







The Repeal of the Missouri Compromise

Its Origin and Authorship

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Cleveland, Ohio
The Arthur H. Clark Company
1909

18-9
S. P. 9, 1908
216353

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TO
FLORENCE

My Secretary of State for Home Affairs
commissioned for life

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PREFACE

This book is a thesis submitted to the University Faculty of Cornell University in partial fulfillment of the requirements for the degree of Doctor of Philosophy. It embodies the results of an investigation begun in the American History Seminary at Cornell University in 1902-1903.

The manuscript has been read by Dr. Charles H. Hull, Professor of American History, Cornell University, Dr. Ralph C. H. Catterall, Professor of European History, Cornell University, and by Dr. James A. Woodburn, Professor of American History and Politics, Indiana State University. To each of these gentlemen I am indebted for valuable suggestions. Especially large is the debt I owe to Doctor Hull, not only for his unflagging interest, constant encouragement and active assistance in obtaining material, but also for many keen, but kindly, criticisms and much invaluable advice in the arduous labor of preparing the work for publication.

Cordial thanks are due to Hon. Kirk D. Pierce, of Hillsboro, New Hampshire, for unrestricted access to the existing papers of his uncle, President Franklin Pierce; to Mrs. R. E. Wynne of Tappahannock, Virginia, for the opportunity to ex-

amine the existing papers of her father, Colonel John A. Parker; to Hon. George W. Martin, Secretary of the Kansas State Historical Society, William E. Connelley, Esq., of Topeka, Kansas, William M. Paxton, Esq., of Platte City, Missouri, Professor Allen Johnson of Bowdoin College, the late Colonel William F. Switzler of Columbia, Missouri, and the late Miss Mary Louise Dalton, Librarian of the Missouri Historical Society of St. Louis, for placing in my hands material which without their kind assistance would have been inaccessible.

I am under great obligation to the officials of the Boston Public Library, the Library of the Boston Athenæum, Harvard University Library, the Library of the University of Missouri, the Wisconsin State Historical Library, the Pennsylvania State Library, the Library of Cornell University, the Library of the University of Vermont, the Library of the Pennsylvania State College, and the Library of Congress. Their uniform courtesy and valuable assistance have greatly facilitated the collection of material for this book.

A word of grateful appreciation is also due those individuals, too numerous to mention by name, who have taken pains to reply to letters asking for information upon a multitude of minor points.

Some criticism is anticipated on account of the length of many quotations in the text. Two reasons may be offered in defense. First, it has seemed desirable to render accessible to students, lay and professional, much of the new evidence upon which this work is based and which otherwise would remain

nearly or quite as inaccessible as manuscript material. In the second place, the unusually full presentation of evidence reflects a desire to remove reasonable ground for asserting that the author has colored or distorted the evidence to prove his case.

Invaluable assistance in the reading of proof has been rendered by my wife and by Mr. Edwin Angell Cottrell, Instructor in History and Political Science in the Pennsylvania State College.

P. ORMAN RAY

State College, Pa.,

September 1, 1908.

INTRODUCTION

The repeal of the Missouri Compromise in 1854 stands conspicuous as a turning point of the American slavery controversy. It put an end forever to the long series of accommodations between the territorial claims of slavery and freedom. In the presidential campaign of 1852 both parties had endorsed as final the adjustment made two years before, and had condemned all attempts to reopen the slavery question. Within the halls of Congress and without, acquiescence in the finality of the Compromise of 1850 had become the test of political orthodoxy for Whigs and for Democrats alike.

Such was the artificial equilibrium when the 33d Congress convened in December, 1853. Within a month the slumbering agitation had flamed forth anew. An apparently innocent bill to organize a territorial government west of the Missouri River provoked a gigantic and picturesque parliamentary duel in the Senate Chamber of the United States, and we who are wise after the fact can see that with the termination of this last gladiatorial combat in the arena of Congress the day had passed for peaceful adjustments and for compromises based upon mutual good faith. The estrangement of the sec-

tions was irreconcilable. The appeal to arms was the only and inevitable means of ending forever the irrepressible conflict.

During the four months' debate while the Kansas-Nebraska bill was pending in Congress,¹ the interest of the nation was focused upon the proceedings of that body. Polemical writers, taken unawares by the sudden revival of the slavery dispute, immediately set at work explaining legislative occurrences and imputing motives on the basis of what appeared in the *Congressional Globe*. Historians have generally followed them, and are practically unanimous in assigning the authorship of the Repeal to Hon. Stephen A. Douglas; but they offer a variety of suggestions as to his purposes and motives in precipitating a new agitation of the slavery question.

According to Schouler,² the Repeal was the result of a plot in which Douglas appears as the arch-conspirator, seeking purely selfish ends through obsequious pandering to an insatiable Slave Power. Von Holst's explanation covers several pages, but is fairly well summarized in these sentences:

"The drawing of the slavery question into the bill for the organization of the Territory of Nebraska, which was so complete a surprise, was originally intended . . . to be only a tactical manœuvre. Douglas wished to avert the injury which threat-

¹ The bill first passed the Senate, March 4, 1854. It passed the House in an amended form, May 22; on the twenty-fifth, the Senate concurred in the House amendments. President Pierce signed the act, May 30. *Cong. Globe*, xxviii, Pt. i, 532; Pt. ii, 1254, 1321. The Act may be found, printed in full, in *U. S. Statutes at Large*, x, 277 ff.; *Cong. Globe*, xxviii, Pt. iii, 2225 ff.; Poore's *Charters and Constitutions*, i, 569 ff.

² Schouler's *Hist. of the U. S.*, v, 280, 290.

ened his party because of the attitude assumed by the President toward the Softs of New York.”³

Woodrow Wilson speaks of Douglas’s “strong, coarse-grained, unsensitive nature, his western audacity, his love of leading, and leading boldly, in the direction whither, as it seemed to him, there lay party strength.”⁴ Mr. Rhodes, accepting the motive assigned in the Appeal of the Independent Democrats in Congress,⁵ namely, that the dearest interests of the people were made “the mere hazards of a presidential game,” insists that the action of the Illinois Senator was “a bid for Southern support in the next Democratic Convention.”⁶

Professor Burgess assigns a more creditable motive and a higher purpose to Mr. Douglas, and his

³ Von Holst’s *Constitutional and Political Hist. of the U. S.*, iv, 350. This explanation is based upon what purports to have been a statement once made by Douglas himself:

“He once subsequently in the fall of 1853 confessed ‘that his party in the election of Pierce had consumed all its powder, and that therefore without a deep-reaching agitation, it would have no more ammunition for its artillery.’” (*Ibid.*, 315.)

Von Holst cites Kapp’s *Geschichte der Sklaverei*, 295. But Kapp himself gives no authority and says merely that such was Douglas’s opinion. The translator of Von Holst puts Kapp’s statement in quotation marks, and we find Rhodes led to the false conclusion that the words were actually uttered by Douglas; Rhodes’s *Hist. of the U. S.*, i, 430.

⁴ *Division and Reunion*, 184; *History of the American People*, iv, 166 ff.

⁵ Published January 24, 1854; *Cong. Globe*, xxviii, Pt. i, 281.

⁶ Rhodes’s *Hist. of the U. S.*, i, 429-430. Prof. T. C. Smith, obviously following Rhodes, says:

“Douglas appears to have introduced this singular and startling project entirely on his own motion, and its purpose seems to have been nothing more or less than an effort on the part of a presidential candidate to secure favor in a quarter where he lacked popularity.” — *Parties and Slavery, 1850-1859*, 96.

explanation has of late been gaining wide acceptance.⁷

"Mr. Douglas was a Western Democrat; that is, he was a radical Democrat. He had, therefore, an exaggerated notion of the virtues of the people, and of the importance of local autonomy. He resented the idea that the sturdy adventurers who accomplished the first settlement of a Western Territory were not as fully capable of local self-government, from the very outset, as the 'effeminate' inhabitants of an Eastern Commonwealth. He repudiated the notion that they needed any pupilage from the general government in the management of public affairs. He was not alone in such views. It is safe to say that the mass of the people in his section held the same views at that time. Is it not, then, fair to say that Mr. Douglas, in all probability, really believed that the reference of the questions in regard to slavery to the residents of each Territory, as well as to those of each 'State', was the true principle of the political science of the Republic, and the true policy of its legislation? If his convictions and his ambition went hand in hand, and if his convictions were not the product of his ambition, should he be so harshly criticised for declaring them? It is true that his announcement of them filled the land with clamor and angry dispute, and that their adoption by Congress led to violence, bloodshed, and war; but can we conclude that he had any conception whatsoever that this could be the result of them? Is it not far more probable that he thought the quiet of the country would be confirmed and forever established by their general acceptance? There is certainly ground for this view of his motives. It is certainly very improbable that there was ever any balancing, in his mind, of risks to his country's peace and safety against his ambition for the presidency. It is much more probable that he believed his principles without his presidency, would contribute, in a high degree, to the peace and welfare of his country, but that, taken together with his presi-

⁷ *The Middle Period*, 385. See also an article on "Douglas and Popular Sovereignty" by Professor Allen Johnson, in *Iowa Journal of History and Politics*, for January and July, 1905.

dency, they would shed untold blessings upon the land. This is no unusual psychology. It is decidedly common."

The standard explanations just quoted are for several reasons thoroughly unsatisfactory.⁸ They are merely conjectural. And they derive no great support from Mr. Douglas's own assertion that he had been pressing the Nebraska bill upon the attention of Congress for "eight long years,"⁹ for this assertion is untrue. Although Mr. Douglas had been chairman of the Senate Committee on Territories throughout this period, the records of Congress fail to show the introduction by him of any bill looking toward the territorial organization of Nebraska after December, 1848, until he reported the Kansas-Nebraska bill in January, 1854: for more than four years he was wholly silent upon the subject.

These conjectural explanations may serve to show why Senator Douglas, if called upon in January, 1854, to choose between the settlement of the question of slavery in Nebraska upon the principle of popular sovereignty, entailing the repeal of the Missouri Compromise, and the further delay in the establishment of a territorial government, might

⁸ Messrs. J. Amos Barrett and A. E. Sheldon, of the Nebraska Historical Society, are the authors of perhaps the most recent and novel explanation of Mr. Douglas's motives. This appeared in the *Omaha Bee*, June 5, 1904. The argument is based upon very weak premises, and will be considered at some length in the Appendix to this volume. The best and most recent biography of Mr. Douglas, by Professor Allen Johnson, gives no satisfactory explanation.

⁹ *Cong. Globe*, xxvi, 1117. See also Douglas's speech at Chicago, Nov. 9, 1854, and Cutts's *Constitutional and Party Questions*, 87. Professor Johnson accepts this statement at its face value.

favor the Repeal. But they do not indicate that any such alternative was presented to Mr. Douglas. In the circumstances under which the Nebraska bill, after passing the House, failed in the Senate in the last crowded days of the session, in March, 1853, there was nothing to require the insertion of the repealing clause in order to make the measure acceptable to the next Congress. Mr. Douglas himself declared that he knew there was a majority in its favor.¹⁰

Let it be remembered also that no motive of political self-preservation could have led Mr. Douglas to originate the Repeal in 1854. His seat in the Senate was perfectly secure, threatened by no rival, actual or prospective. He had been reëlected in 1852 without opposition, and of his new term only nine months had elapsed before the opening of the Congress which enacted the Kansas-Nebraska bill.

Unless some such alternative were presented to him, it is highly improbable that Mr. Douglas would have raised the question himself; for, furthermore, he had eulogized the adjustment made in 1820, as a compromise "canonized in the hearts of the American people, as a sacred thing which no ruthless hand would ever be reckless enough to disturb."¹¹ On at least three different occasions within a decade he had brought forward and advocated the extension of the

¹⁰ March 3, 1853; *Cong. Globe*, xxvi, 1117.

¹¹ October 23, 1849, in a speech at Springfield, Ill. Quoted in Von Holst's *Const. and Pol. Hist. U. S.*, iv, 334 n. 1.; by Jehu Baker in a speech at Belleville, Ill., October 18, 1854, reported in the *Weekly Democratic Press* (Chicago), November 11, 1854; and by Cullom, *Cong. Globe*, xxix, 539.

Missouri Compromise line as a means of settling the question of slavery in the new Territories.¹² He had even announced in 1851 his resolute determination "never to make another speech on the slavery question" and had added the "hope that the necessity for it will never exist."¹³

Under these circumstances, Mr. Douglas's championship of the Repeal inevitably gave rise to charges of infidelity to his party's platform recognizing the finality of the settlement of 1850, and of gross personal inconsistency. Such charges Mr. Douglas must have foreseen; and a politician of his prominence and shrewdness, entertaining presidential aspirations, would not gratuitously have provoked them. The charge of inconsistency, to be sure, he subsequently sought to parry by asserting that the Compromise of 1850 had established a precedent, a new principle, for the settlement of the question of slavery in new Territories; and that it had "superseded" or was "inconsistent with" the Compromise of 1820. But this explanation seems to have been an afterthought.

In short, Mr. Douglas was thoroughly committed to the Missouri Compromise, he was not particularly interested in Nebraska, and he was subject in 1853 to no political necessity originating in his own position which could have forced him to adopt a

¹² In 1845, in connection with the resolutions for the annexation of Texas; in 1846, as a substitute for the Wilmot Proviso; in 1848, when the Oregon bill was under consideration; *Cong. Globe*, xviii, 1062. See Douglas's speech, December 23, 1851, in *Cong. Globe*, xxv, 67; and his speech at Chicago, November 9, 1854.

¹³ December 23, 1851; *Cong. Globe*, xxv, 67.

course so manifestly dangerous and which in its outcome wrecked his career.

On the other hand, there was a member of the Senate who belonged to the radical wing of the Democratic party and had long regarded the Missouri Compromise restriction as unconstitutional. His senatorial existence was in jeopardy and for his political salvation the repeal of the Compromise in 1854 seemed absolutely essential. On more than one occasion, he afterwards lay claim to the honor, as he regarded it, of originating the Repeal.

Senator David R. Atchison of Missouri stands a rival claimant for consideration as the real author of the repeal of the Missouri Compromise.

In a speech at Atchison, in Kansas Territory, a few months after the passage of the Kansas-Nebraska bill,¹⁴ Senator Atchison asserted that at the opening of the 33d Congress, he had desired the chairmanship of the Committee on Territories in order to introduce a bill for a territorial government in Nebraska which should repeal the Missouri Compromise. With this object in view "he had a private interview with Mr. Douglas and informed him of what he desired." "Judge Douglas requested twenty-four hours to consider the matter," offering to resign the chairmanship "if at the expiration of that time he could not introduce such a bill" as Mr. Atchison proposed. "At the expiration of the given time Senator Douglas signified his intention to report such a bill as had been spoken of." Senator Atchison is reported to

¹⁴ September 20, 1854; reported in *New York Tribune*, October 10, 1854, and June 4, 1855.

have used emphatic language when asserting his claim on this occasion: "Gentlemen, you make a d—d fuss about Douglas, but Douglas don't deserve the credit of this Nebraska bill. I told Douglas to introduce it. I originated it. I got Pierce committed to it, and all the glory belongs to me." Historians have disparaged this claim because it was made when Mr. Atchison was "under the influence of the invisible spirit of wine."

There is no evidence, however, that Mr. Atchison was intoxicated when he recurred to the same subject at Platte City, Missouri, in February, 1856.¹⁵ Referring to speeches made by him "all over the State" in 1853 in which he had pledged himself to vote for a bill establishing a territorial government in Nebraska on the one condition that the Missouri Compromise was repealed, telling the people that "unless that restriction was repealed" he "would see them damned" before he would support such a bill, Mr. Atchison said, "Well, it was done. I do not say that I did it, but *I was a prominent agent.*"

Some time after the publication of Mr. Atchison's claims Senator Douglas characterized the reports of Atchison's remarks as a "stale abolition libel,"¹⁶ and the issue of veracity thus raised between Mr. Douglas and Mr. Atchison historians have summarily adjudged in favor of Mr. Douglas on the ground that the claims of Mr. Atchison were made during a state of intoxication. This is entirely un-

¹⁵ *New York Times*, February 25, 1856.

¹⁶ April 14, 1856; *Cong. Globe*, 1st Sess., 34th Cong., App. 390 ff. See Appendix E.

satisfactory because while the fact of intoxication may impair the force of Atchison's claims, it does not warrant their total rejection.

The issue thus raised and the inadequacy of the standard explanations justify an attempt to explain the origin of the Repeal by looking away from the pages of the *Congressional Globe*, and studying the political conditions existing in the State of Missouri.¹⁷ To advance a new explanation, resulting from such a study, of the circumstances under which the repeal of the Missouri Compromise was conceived; and to explain how the Repeal happened to occur early in 1854 when the country had been lulled into apparent quietude after the tumultuous agitation threatening the integrity of the Union, constitute the main purpose of this book. Closely connected with this, there is a problem of secondary importance, namely, the question who originated the suggestion of the Repeal.

¹⁷ The possibility of a western or Missouri origin of the Repeal has not escaped such leading historians as Rhodes and Von Holst but its significance is not appreciated; Rhodes's *Hist. of the U. S.*, i, 431, 440; Von Holst's *Const. and Pol. Hist. U. S.*, iv, 285 ff.



CHAPTER I

Missouri Politics, 1844-1852-Benton's Retirement from the Senate-The Jackson Resolutions-Benton's "Appeal."

For a decade prior to the repeal of the Missouri Compromise, the Democratic party in Missouri had been rent with internal dissensions. These were but one manifestation of a cleavage running through the Democratic party in the Southern States during these years, separating into one faction the radical, secessionist followers of Mr. Calhoun, and into the other, the conservative elements opposed to disunion tendencies.¹⁸ In no State, however, was the war between these factions characterized by a greater bitterness of feeling and violence of utterance than in the State of Missouri. There the disciples of Mr. Calhoun found leaders in David R. Atchison and James S. Green. In the opposing faction no one equalled in prominence and influence Calhoun's bitter political and personal enemy, Colonel Thomas

¹⁸ The fight of 1849-51 "in which Benton was overthrown was merely the Missouri extension of the conflict between the Calhoun and the Jackson elements of the Democracy which raged through most of the slave States, but which was particularly fierce in the border tier, in which the Jacksonians had been largely in the preponderance in the beginning."—Goodspeed, Weston Arthur, Editor-in-Chief, *Provinces and States; A History of the Province of Louisiana under France and Spain, and of the Territories and States formed therefrom*, iv, 108. Hereafter cited as *Goodspeed*.

H. Benton. Chiefly to the peculiar characteristics of Colonel Benton is to be attributed the extraordinary fierceness of the conflict in Missouri.

Both Mr. Atchison and Colonel Benton were members of the 33d Congress: Atchison, in the Senate; Benton, in the House. Atchison had never played a prominent part in national politics. Benton had been conspicuously before the public for a generation. He was a statesman of the old school; personally ostentatious and overbearing, respected and honored, but never loved. Atchison, a younger man, was a politician of the new school; swaggering and coarse, but magnetic, skilful in intrigue, and a masterful manipulator of men. The name of one is writ large in the annals of the country: the name of the other has come down to posterity as that of a "Border Ruffian."

In 1853-54 the factional war in Missouri was at its height. Colonel Benton, after thirty years in the Senate, had been defeated for reëlection in 1850 by a combination of radical Democrats and Whigs. Almost immediately he had been elected to the House of Representatives where he sat during the debate on the Kansas-Nebraska bill. He ardently desired to return to the Senate in March, 1855, as the successor of Mr. Atchison. Mr. Atchison desired to be his own successor. The final stage of the contest for the senatorial succession began as early as the spring of 1853. When the Missouri Compromise was repealed the next year, Colonel Benton was struggling desperately to restore his waning political power in the State, and Senator Atchison was no less

strenuously endeavoring to bring about his own re-election to the Senate. The political ambition and success of one inevitably involved the political destruction of the other. Quarter was neither asked nor given. From the State of Missouri, the scene of its birth, this titanic struggle was transferred to Washington and there, in the arena of national politics, it led to the proposal to repeal the Missouri Compromise.

For a clear understanding of the way in which a senatorial contest in a single State could produce such stupendous national consequences as were wrought by the repeal of the Missouri Compromise, it becomes necessary to examine in some detail the political conditions existing in Missouri in the decade preceding the Repeal. By untangling the confused and complex issues then before the people of that State we shall set the Repeal in a new and true light. It will signally illustrate the way in which State political issues have been transformed, more frequently than is generally realized, into national issues. It will show that a correct understanding of national issues may require a thorough study of local conditions.

The story of Senator Benton's retirement from the Senate begins with his attitude toward Mr. Calhoun and the policies for which Mr. Calhoun stood,¹⁹ especially with his opposition to the plans of the aggressive and radical pro-slavery element in the Mis-

¹⁹ Goodspeed, iv, 84; *Niles's Register*, lxvi, 444.

souri Democracy which derived its principles from the great Nullifier.²⁰

Since the time when Colonel Benton had defended and supported President Jackson in his policy toward Nullification in South Carolina, Mr. Calhoun and Senator Benton had been personal and political enemies.²¹ With his characteristically fearless and energetic opposition, the latter had been conspicuously instrumental in defeating Mr. Calhoun's scheme for the "immediate" annexation of Texas by the treaty signed the twelfth of April, 1844, and rejected by the Senate on the twelfth of June in the same year.²²

²⁰ In assigning the causes which led to Benton's retirement one must not overlook those repellent personal characteristics which no doubt played a considerable part in his political overthrow. These, taken with his long residence in Washington which removed him from close and sympathetic contact with the younger generation of Missourians and from a first-hand knowledge of actual conditions in Missouri, probably had a great deal to do in undermining his power and in strengthening the arm of his enemies. A brief but excellent statement of these peculiarities of Benton is to be found in Rogers's *Life of Thomas Hart Benton*, 228, 283, 297, 312-313, 315, 318; hereafter cited as Rogers's *Benton*.

²¹ "I am mortified to dwell upon Mr. Calhoun. . . . He has been instigating attacks upon me for twenty years—ever since I stood by Jackson and the Union in the first war of nullification. His Duff Green Telegraph commenced upon me at the same time that it did upon Jackson, and for the same cause—because we stood by the Union."—Benton's speech, Jefferson City, Mo., May 26, 1849. *Niles's Register*, lxxv, 390 ff.

"He [Benton] says I instigated attacks on him for twenty years. I instigate attacks on him! He must have a very exalted opinion of himself. I never thought of such a thing. We move in different spheres. My course is, and has been, to have nothing to do with him. I never wanted his support, nor dreaded his opposition."—Calhoun's *Reply* mentioned in note 45.

²² Benton's *Thirty Years' View*, ii, 581 ff. See also Benton's Jefferson City speech, May 26, 1849; Stephens's *The War between the States*, ii, 242; Calhoun's "Correspondence" in American Historical Association's *Report*, 1899, ii, 633, 635, 636, 658.

In retaliation, an active organization of the friends of Mr. Calhoun and the "immediate" annexation of Texas appeared in the State of Missouri when the time came round late in 1844 for Mr. Benton's fifth election. This movement had the support, so Colonel Benton claimed, of "every Calhoun man and every Calhoun newspaper in the State and in the United States."²³ Instructions alleged to have been inspired by Mr. Calhoun were sent to hundreds of newspapers over the country, intended for their guidance in the presidential and state elections and especially to defeat Mr. Benton's own election. These instructions advised and urged attacks upon Benton by showing that he had allied himself with the Whigs on the Texas question. "Quote," said the instructions, "Jackson's letter on Texas,"²⁴ where he denounces all those as traitors to the country who oppose the treaty. Apply it to Benton. Proclaim that Benton, by attacking Mr. Tyler and his friends, and driving them from the party, is aiding the election of Mr. Clay; and charge him with doing this to defeat Mr. Polk, and insure himself the succession in 1848; and claim that full justice be done the acts and motives of John Tyler by the leaders. Harp

²³ "In the year 1844, as it will be remembered, when my fifth election was coming round, there was an organization against me in the State, supported by every Calhoun man, and every Calhoun newspaper in the State, and in the United States. There was a coincidence in their operations which showed that they worked by a pattern. I knew at the time where it all came from; and the source has since been authentically revealed to me. . . ." Benton's Jefferson City speech.

²⁴ Letter of Andrew Jackson to William B. Lewis, January 28, 1844, in N. Y. Public Library *Bulletin*, iv, 308.

upon these strings."²⁵ So far as Missouri was concerned it appears that these instructions were obeyed to the letter.²⁶

This effort of Mr. Calhoun and his friends to discredit Colonel Benton by emphasizing his opposition to the annexation of Texas was probably the strongest move which could have been made at that time to undermine Benton's political supremacy in Missouri. An overwhelming majority of the people of that State ardently favored the acquisition of Texas.²⁷ The Legislature which met in December, 1844, had adopted a memorial to Congress urging the annexation of Texas at the "earliest practicable moment."²⁸

²⁵ Quoted in Benton's *Jefferson City* speech.

²⁶ "How well the instructions were obeyed was seen in this State, and in other States, and in all the presses and politicians which followed the lead of '*our leading friend at the South.*' Benton — Clay — Whigs — Texas. Harp upon these strings, and harp they did until the strings were worn out; and then the harps were hung upon the willows." — Benton's *Jefferson City* speech.

²⁷ "The State of Missouri is more deeply interested in the annexation of Texas than any other State;" Benton's remarks in the Senate, in presenting this memorial, January 20, 1845; *Cong. Globe*, xiv, 154-155. See also Benton's *View*, ii, 615; Carr's *Missouri*, 193-199; Calhoun's "Correspondence," 633, 635, 636, 658, 954, 969, 1197, 1199. The people of Missouri were "for speedy annexation regardless of the smiles or frown of foreign nations;" letter of Andrew Jackson to B. F. Butler, May 14, 1844, printed in *Am. Hist. Rev.*, xi, 833. See also *Niles's Register*, lxvii, 42 (September 21, 1844), quoting the *Richmond Whig*; *Goodspeed*, iv, ch. 9.

Senator Atchison, then serving his first term in the Senate, warmly supported Mr. Calhoun's annexation scheme; *Niles's Register*, lxxii, 278, quoting the *Missouri Republican*.

²⁸ Before the adoption of this memorial, the friends of Mr. Calhoun tried to amend it so as to urge "immediate" annexation, but in this they failed. As a rejoinder to this attempt, the following resolutions, inspired by Colonel Benton and very well indicating his feeling toward Mr. Calhoun

Despite these assaults upon his position respecting Texas, Colonel Benton was triumphantly re-elected to the Senate in January, 1845; and at the beginning of his fifth term he was without any question the most powerful man in Missouri politics. Prior to 1844 it had been supposed to be "political death for any man even to whisper a breath against 'Old Bullion,' the idol of Missouri."²⁹ The attacks upon him which appear in the campaign of that year had been inspired by parties outside the State. One effect seems to have been the encouragement of radical pro-slavery men and the enemies of Benton within the State to unite and form a more perfect organi-

at this time, were offered as a substitute for the memorial finally adopted:

"1. [Resolved] That in the opinion of this General Assembly, the treaty of the twelfth day of April, 1844, for the annexation of Texas to the United States was an intrigue for the Presidency, and a contrivance to get the southern States out of the Union, instead of getting Texas states into it, and was among the most unscrupulous intrigues which any country ever saw—and nullified the choice of the people, and the rights of the people, and the principles of our Government.

"2. [Resolved] That the ratification of the treaty for the annexation of Texas to the United States would have been an adoption of the Texas war with Mexico by the United States, and would devolve its conduct and conclusion on the United States.

"3. [Resolved] That the treaty-making power does not extend to the power of making war, and the President and Senate have no right to make war either by declaration or adoption.

"4. [Resolved] That the war with Mexico, in which the United States were in danger of being involved by the President of the United States and the Secretary of State, would have been unconstitutional, perfidious, clandestine, and piratical."

These resolutions were voted down; indeed it seems probable that the author had no expectation of their passage. They may be found in *Niles's Register*, lxvii, 278 (January 4, 1845).

²⁹ From a statement by Judge William C. Price, an influential opponent of Benton, reported to me by William E. Connelley, Esq., of Topeka, Kansas. See also Meigs's *Life of Thomas Hart Benton*, 405 ff.; hereafter cited as Meigs's *Benton*.

zation — an organization having for one of its main purposes the overthrow of Senator Benton as the controlling factor in Missouri politics.³⁰ In addition to the ardent supporters of Mr. Calhoun, Benton's enemies comprised all those who for one reason or another had become restive and discontented under the political absolutism which he had exercised for more than twenty years.³¹

Perhaps no individual at the beginning of the war upon Benton was more active and influential in uniting into a highly efficient political machine all those elements in the Missouri Democracy which were hostile, or inclined to be hostile, to Senator Benton than Judge William C. Price, a cousin of Sterling Price, the Confederate General. It appears that Judge Price was in close and constant communication with Mr. Calhoun, Jefferson Davis, John C. Breckinridge, Robert Toombs and Judah P. Benjamin; and that upon the subject of slavery he was a radical of the radicals. He was a man of an intensely religious nature, and a firm believer in the righteousness of slavery. The perpetuation and ex-

³⁰ The following statement was reduced to writing by Roland Hughes, Esq., of Kansas City, Mo., and given to Mr. Connelley, to whom I am indebted for it. "General David R. Atchison told me, in a conversation at his house, under the shade of an oak tree in his front yard, about three years before his death [which occurred in 1886] these words, 'Claiborne F. Jackson, Trusten Polk, William C. Price and I, entered into a conspiracy to defeat and destroy Benton. We succeeded in defeating Benton, but by God, it retired Dave Atchison from public life.'" Unfortunately the statement gives no date for the formation of this "conspiracy," but there is good reason for thinking that it must have been in 1844 or 1845. See Goodspeed, iv, 84.

³¹ On Benton's political absolutism, see Meigs's *Benton*, 403 ff., especially 408-409.

tension of the "peculiar institution" he sincerely believed to be indispensable to the welfare of Missouri and of the South. Missouri, he was convinced, could not long remain a slave State with Iowa free on the north, Illinois free on the east, and a free State on the west. Missouri must therefore contrive in some way to remove the Missouri Compromise prohibition, the chief obstacle to the westward extension of slavery. With the zeal of a fanatic, tempered by sound political discretion, Judge Price visited all parts of the State of Missouri, urging upon politicians the special interest which the slave-holders of the State had in bringing about in the near future the abrogation of the old Compromise inhibition. He even went so far, some time in the year 1844, as to suggest that abrogation to Senator Benton. Instantly and in his characteristically brusque manner, Colonel Benton spurned and repudiated the suggestion.

Chiefly because of his opposition to Mr. Calhoun's annexation treaty, but also because he refused to endorse the suggested repeal of the Compromise, Senator Benton was, from the year 1844, marked for political annihilation by the aggressive leaders of the South, and by the radical slavery extension faction in the Missouri Democracy. Up to this time he and Price had been warm friends. They never spoke afterwards. Judge Price registered a vow to drive Benton from public life: in the presence of a large company gathered in a store on St. Louis street in Springfield, Missouri, he vowed he would fight Benton to the death. To make it more open

and public, he wrote his determination on the walls of the store where it remained until the building was torn down after the Civil War.³²

There is a lamentable lack of evidence disclosing the actual tactics employed by the Missouri radicals in the next three or four years. The lack may be explained in part by the necessity, dictated by practical political considerations, of proceeding with silence or secrecy until a strong organization could be effected. So long as Benton's prestige in the State remained unimpaired, so long as the federal patronage falling to the State was largely under his control, so long did he constitute the chief obstacle to the realization of the schemes of Mr. Calhoun's friends in Missouri. To have heralded with the blare of trumpets their various moves to compass the ultimate overthrow of Benton might have been to do the historian a great service, but obviously it would have stamped the conspirators as the most inexperienced of politicians.

Nevertheless the controversy could not be kept

³² Judge Price always maintained that the idea or suggestion of the repeal of the Missouri Compromise originated with him. Whether or not this is so it is perhaps impossible, in the nature of the case, to determine. His work was doubtless important in creating a sentiment in western Missouri favorable to such a project, but this is to be carefully distinguished from the steps which actually accomplished the Repeal in 1854. I have found no evidence which directly connects Judge Price with the origin of the Repeal via the Kansas-Nebraska bill.

To Mr. Connelley I am indebted for the facts given in the last two paragraphs in the text. Mr. Connelley was related by marriage to Judge Price, and was personally well acquainted with him. There is a brief biographical sketch of Judge Price in Mr. Connelley's *The Provisional Government of Nebraska Territory*, 28; this work is hereafter cited as Connelley's *Prov. Gov.* See also Appendix B.

wholly out of sight. Two sets of resolutions, introduced into the Legislature which met in December, 1846, one pro-Benton and the other anti-Benton, show how it was developing. The following resolutions were approved by the Governor, February 15, 1847:³³

"Resolved, by the State of Missouri as follows:

"1. That the peace, permanency, and welfare of our nation depend upon the strict adherence to the letter and spirit of the 8th section of the Act of the Congress of the United States, entitled 'an Act to authorize the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories, approved March 6, 1820.'

"2. That our Senators in the Congress of the United States are hereby instructed and our Representatives requested, to vote in accordance with the provisions and spirit of the said 8th section of said Act in all questions which may come before them in relation to the organization of new Territories or States out of the territory now belonging to the United States or which may hereafter be acquired by purchase, treaty or by conquest.

"3. That a copy of these resolutions should be forwarded by the Secretary of State to each of our Senators and Representatives in Congress of the United States."

The introduction of these resolutions appears to have been taken as a challenge by the pro-slavery

³³ *Laws of Missouri, 1846-47*, 367. These resolutions are quoted in a speech by Oliver of Missouri in the House of Representatives, May 17, 1854, *Cong. Globe*, xxviii, Pt. ii, 1209, and *ibid.*, xxxi, 726; also in Benton's speech, April 25, 1854, *ibid.*, xxviii, Pt. ii, 986, and *ibid.*, xxxi, 557, and in his Jefferson City speech, May 26, 1849. The resolutions were presented to the House by Willard P. Hall, of Missouri, and to the Senate by Mr. Atchison, on Dec. 21, 1847, and Jan. 31, 1848, respectively; *House Journal*, 1st Sess., 30th Cong., 138, *Senate Journal*, 141. See also Switzler's *Missouri*, 269, and the *Jefferson Inquirer*, Dec. 17, 1853.

faction, for at the same session of the General Assembly, Claiborne F. Jackson, a prominent radical, introduced counter resolutions designed to "instruct Benton out of the Senate."³⁴ So strong, however, was the majority of Benton men in the Legislature that Jackson was unable to carry his resolutions even through the Senate where he introduced them. But the opponents of Benton coalesced so rapidly with the pro-slavery elements in Missouri, that by the time the next General Assembly met in December, 1848, they had voting strength sufficient to bring about the adoption of the "Jackson Resolutions" of which the most important are the following:³⁵

³⁴ "To accomplish his [Benton's] political destruction they contrived to have passed through the general assembly of Missouri during the winter of 1848-49 the celebrated Jackson resolutions, instructing him how to vote on the great question of that day then pending in the Senate resolutions of Mr. Calhoun. They knew that he would not obey them, because, first, of the disunion doctrine contained in them, and, second, of personal resentment at the audacity of attempting to instruct Benton on such a subject." J. H. Birch, quoted by Hon. A. M. Dockery of Missouri in *Cong. Record*, 3d Sess., 55th Cong., Pt. iii, 1463.

³⁵ The first two resolutions were as follows:

"Resolved by the General Assembly of the State of Missouri:

"1. That the Federal Constitution was the result of a compromise between the conflicting interests of the States which formed it, and in no part of that instrument is to be found any delegation of power to Congress to legislate upon the subject of slavery, except some special provisions having in view the prospective abolition of the African slave trade, made for the securing the recovery of fugitive slaves; any attempt, therefore, on the part of Congress to legislate on this subject, so as to affect the institution of slavery in the States, in the District of Columbia or in the Territories, is, to say the least, a violation of the principles upon which that instrument was founded.

"2. That the Territories acquired by the blood and treasure of the whole nation, ought to be governed for the common benefit of the people of all the States, and any organization of the Territorial governments, excluding the citizens of any part of the Union from removing to such Territories with their property, would be an exercise of power, by Congress,

[Resolved] "3. That this General Assembly regard the conduct of the Northern States on the subject of slavery as releasing the slaveholding States from all further adherence to the basis of Compromise fixed on by the Act of Congress of March 6, 1820; even if such Act ever did impose any obligation upon the slaveholding States, and authorizes them to insist upon their rights under the Constitution; but for the sake of harmony and for the preservation of our Federal Union, they will still sanction the application of the principles of the Missouri Compromise to the recent territorial acquisitions, if by such concession future aggressions upon the equal rights of the States may be arrested and the spirit of anti-slavery fanaticism be extinguished.

"4. The right to prohibit slavery in any Territory, belongs exclusively to the people thereof, and can only be exercised by them in forming their Constitution for a State Government, or in their sovereign capacity as an independent State.

"5. That in the event of the passage of any Act of Congress conflicting with the principles herein expressed, Missouri will be found in hearty coöperation with the slaveholding States, in such measures as may be deemed necessary for our mutual protection against the encroachments of Northern fanaticism.

"6. That our Senators in Congress be instructed and our Representatives be requested to act in conformity with the foregoing resolutions."³⁶

The first appearance of the "Jackson Resolutions"³⁷ in the Legislature was marked by Colonel inconsistent with the spirit upon which our federal compact was based, insulting to the sovereignty and dignity of the States thus affected, calculated to alienate one portion of the Union from another, and tending ultimately to disunion."

A supplementary resolution was adopted instructing the Secretary of State to transmit a copy of the Resolutions "to each of our Senators and Representatives in Congress and to the Executive of each of the several States with the request that the same be laid before each of their respective Legislatures."

³⁶ These resolutions are given in full in *Laws of Missouri, 1848-49*, 667, in Switzler's *Missouri*, 265-266, and in *Cong. Globe*, xxi, Pt. i, 97-98, *ibid.*, xxxi, 726, Carr's *Missouri*, 223 ff., and Meigs's *Benton*, 409-410.

³⁷ Meigs, in his *Life of Benton*, denominates these resolutions the

Benton and their origin was known to him. But though well aware that the friends of Mr. Calhoun had been in a "perpetual state of incubation," since the failure of their plot in 1844, he decided to let the new plot which they were hatching "quit its shell." The legislators generally he did not hold responsible for the Jackson Resolutions. "I do not believe," he declared, "there exceeded half a dozen members in the two Houses, all told, who had the *scienter* of their origin and design, or meant harm to the country or myself." He was confident, therefore, that a hint from himself "would have stopped the whole proceeding." But that would have done him no good: "it would only have postponed and changed the form of the work." Accordingly he said nothing to "alarm the operators," and wrote not a word on the subject—"not a word to any of the three hundred members who would have blown the

"Napton-Jackson Resolutions." In the newspapers of the period they are constantly and almost uniformly called the "Jackson Resolutions." They were introduced into the Missouri Senate Jan. 1, 1849, by Carty Wells, a Democrat, and were referred to the Committee on Federal Relations of which Claiborne F. Jackson was chairman. As chairman of this Committee, Jackson reported the resolutions in the form in which they passed, and hence the name, *Jackson Resolutions*. The resolutions were approved, March 10, 1849. The final vote in the House on their adoption stood, 53 to 27: all but four of the negative votes were cast by Whigs; Switzler's *Missouri*, 265-266. See also Davis and Durrie's *Missouri*, 141, Paxton's *Annals of Platte County*, 110 (hereafter cited as Paxton's *Annals*); *Jefferson Inquirer*, June 11 and Aug. 20, 1853; *Missouri House Journal*, 1848-49, Appendix, 219 ff. The real author of the Resolutions appears to have been Judge W. B. Napton; Meigs's *Benton*, 410, Goodspeed, iv, 103 ff., and Benton's speech at Fayette, Mo., Sept. 1, 1849.

resolutions sky-high if they had known their origin and design.”³⁸

Had it not been for Colonel Benton’s very different and extraordinary course in relation to these Resolutions at a subsequent date, no more significance might have attached to them than to similar resolutions aimed against the Wilmot Proviso and passed about the same time by the Legislatures of Texas, Maryland, Virginia, Georgia, and North Carolina.³⁹ But on the ninth day of May, 1849, Colonel Benton issued his famous “Appeal” to the people of Missouri from the legislative instructions contained in the Jackson Resolutions.⁴⁰ “If they confirm the instructions,” said Benton, “I shall give them an opportunity to find a Senator to carry their will into effect, as I cannot do anything to dissolve this Union, or to array one-half of it against the other.” “I do not admit the dissolution of the Union,” he continued, “to be a remedy to be prescribed by statesmen for the diseases of the body politic any more than I admit death, or suicide to be a remedy for the diseases of the natural body. Cure and not kill, is the only remedy which my mind can contemplate in either

³⁸ The phrases quoted in this paragraph are from Benton’s Jefferson City speech.

³⁹ These resolutions may be found in the *Laws of the State of Texas, 1848-49*, 93 ff.; *Laws of the General Assembly of Maryland, 1849-50*, Resolution No. 37; *Acts of the State of Georgia, 1849-50*, 495 ff.; *Acts of the General Assembly of Virginia, 1848-49*, 257 ff.; *ibid., 1849-50*, 233 ff.; *Laws of North Carolina, 1848-49*, 237 ff.

⁴⁰ The “Appeal” took the form of a letter addressed to “The People of Missouri.” It may be found in the *Western Eagle* (Cape Girardeau, Mo.), May 11, 1849, copied from the *St. Louis Union*; also in *Niles’s Register*, lxxv, 332 (May 23, 1849).

case. . . . I appeal from these instructions to the people of Missouri—to the whole body of the people—and in due [time] will give my reasons for doing so. . . . I shall abide the decision of the whole people and nothing less."

The "due time" soon arrived. On the twenty-sixth of May, 1849, in a speech of great length, delivered in the hall of the House of Representatives at Jefferson City, Senator Benton denounced the Jackson Resolutions in the most unsparing terms, declaring that they were aimed at himself and the stability of the Union, and reiterated his appeal from the Legislature to the people.⁴¹

In the Jackson Resolutions he affected to discern the hand of his old enemy. The burden of his argument was their substantial identity with the resolutions introduced into the Senate of the United States by Mr. Calhoun on the nineteenth day of February, 1847. If this identity could be established, Mr. Calhoun's well-known hostility to Senator Benton, his doubtful loyalty to the Union, and the discredit cast upon his resolutions in the Senate would materially assist Senator Benton in the difficult task of justifying, before a constituency which cherished the right of instruction as something sacred, his formal appeal from the instructions of the General Assembly.

⁴¹ This Jefferson City speech may be found in a bound volume of pamphlets in the library of the Missouri Historical Society, St. Louis; in pamphlet form in the library of the Wisconsin Historical Society; also in *Niles's Register*, lxxv, 390 ff. "The whole conception, concoction and passage of the resolutions was done upon conspiracy, perfected by fraud. It was a plot to get me out of the Senate and out of the way of the disunion plotters." — Benton's speech at Fayette, September 1, 1849.

The Jackson Resolutions, Benton declared, were "a mere copy of the Calhoun resolutions offered in the Senate" and denounced by him at the time "as a fire-brand, intended for electioneering and disunion purposes."⁴² The Calhoun resolutions were the "prototype" of those of the Missouri Legislature. He could (or would) see no difference in them "but in the time contemplated for the dissolution of the Union, Mr. Calhoun's tending '*directly*,' and those of Missouri, '*ultimately*' to that point. In other respects they are identical." The Calhoun resolutions were "the parent" of the Jackson Resolutions. "When the original is invalidated, the copy is of no avail. . . . He [Mr. Calhoun] is the head mover and contriver." Not only was the authorship of both sets of resolutions identical, but the purpose of each was the same, namely, "to deny the right of Congress to prevent or prohibit slavery in territories and to denounce a dissolution of the Union if it did. One was parent to the other, and I presume no man will deny it."⁴³ The real design in the Resolutions, Benton asserted at another point in his speech, was to constitute "a pledge of the State to back Mr. Cal-

⁴² Benton had also denounced these Calhoun resolutions in a speech delivered at a dinner given in his honor in St. Louis early in June, 1847. *Niles's Register*, lxxii, 222-223, quoting the *St. Louis Republican*. See Mr. Calhoun's *Reply to Col. Benton* mentioned in note 45.

⁴³ To this last sweeping assertion, "truth and justice" compelled Benton to make an exception: "I have no idea that the mass of members who voted for the Resolutions in the last General Assembly had any idea that they were Calhoun's or considered the dissolution of the Union, which they announce, as a thing in actual contemplation. But they are not the less injurious on that account. They are the Act of the General Assembly, and stand for the act of the State, and bind it to the car of Mr. Calhoun, and encourage him more than any other event that has taken place. . . ."

houn in his designs to put the State under his lead," and to stop Benton's "opposition to his mad career;" to understand the Jackson Resolutions and "to see their design, you must know" Calhoun's.⁴⁴ The greater part of the speech thus takes the form of a violent attack upon Mr. Calhoun.⁴⁵

⁴⁴ At another point in this speech Benton said: the Jackson Resolutions "were copied from Mr. Calhoun; and to see their design you must know his. His were aimed at the Union . . . and at the members from the slaveholding States who would not follow his lead — myself especially." The italics are mine. See Mr. Calhoun's *Reply to Col. Benton* mentioned in note 45.

⁴⁵ On June 23, 1849, Calhoun wrote to Andrew Pickens Calhoun: ". . . You see that Benton has openly deserted and that he pours out his venom against me. [Referring to the Jefferson City speech.] I am averse to touching him, and, if his aim had been against me exclusively, I would not notice him. But such is not the fact. He strikes at the South and its cause through me; and I have concluded to repel his attack against myself, to the extent that it is necessary to repel it against the South. His whole speech is a mass of false statements, illogical conclusions and contradictions. I expect to appear in the *Messenger*, in the number succeeding the next. Neither he [n]or his cause will gain anything by the attack. . . ." Calhoun's "Correspondence" in Am. Hist. Assn. *Report*, 1899, ii, 768-769.

Calhoun's *Reply to Benton*, mentioned in the letter just quoted, first appeared in the Pendleton *Messenger*, July 14, 1849, and was copied into the Charleston *Courier*, July 17, 1849, where it fills over seven columns. It is also to be found in the Library of Congress in a pamphlet entitled, Mr. Calhoun's *Reply to Col. Benton* (n. p., n. d.).

The *Reply* is addressed "To the People of the Southern States." Mr. Calhoun says that the main purpose of the *Reply* was to repel "all the charges intended to shake your confidence in my fidelity to you, in reference to the most vital of all subjects to the South;" and to demonstrate that "they all rest either on statements that are utterly false; or conclusions that are entirely erroneous or inconclusive. . . . All that was directed against me personally, and not intended to impeach my fidelity to you and your cause" is passed over. "I have also passed over the torrent of abuse he poured out against me . . . because I deem it beneath my notice."

The *Reply* contributes nothing to the history of the Jackson Resolutions or the course of Missouri politics, and is therefore of slight value in this

In order to cast still further discredit upon the Jackson Resolutions, Colonel Benton pointed to circumstances connected with their passage through the Legislature which seriously impaired their force as "instructions:"

connection. The opening paragraphs, indicating Calhoun's contemptuous opinion of Benton, may be quoted here:

"Several reasons would have prevented me from taking any notice of Col. Benton, if his attack in his late speech, delivered in the Capitol of Missouri, had been directed exclusively against me. The line of conduct I have prescribed to myself, in reference to him, is to have as little to do with him as possible; and, I accordingly, never notice what comes from him, even in his character as Senator, when I can avoid doing so consistently with my public duties. I regard him in a light very different from what he seems to regard me, if we may judge from the frequency and violence of his attacks on me. He seems to think I stand in his way, and that I am ever engaged in some scheme to put him down. I, on the contrary, have never for a moment thought of raising him to the level of a competitor, or rival, nor considered it of any importance to me whether he should be put down or not. He must think he has something to gain by assailing me; I, on the contrary, feel I have nothing to gain by noticing him, and when compelled to do so, am satisfied if I escape without some loss of self-respect. I have another reason for not desiring to notice him on the present occasion. All his charges against me, with few and trifling exceptions, are but the reiterations of those often made heretofore by himself and others, and which I have met and successfully repelled in my place in the Senate or community, there can be no better proof, than is afforded in the laborious and tiresome effort he made in his present speech to revive and give them circulation.

"Under the influence of these reasons, I would have remained silent had I alone been concerned. But such is not the case. His blow is aimed much more at you than me. He strikes at me for the double purpose of weakening me in your confidence, and of striking at you and your cause through me, which he thinks can be done more effectually indirectly, than directly. Thus regarding his attack, I feel it to be a duty I owe you and your cause to repel it."

Commenting upon Calhoun's reply, the *Western Eagle* (Whig) said: "The issue is fully made up between these two distinguished Democratic rivals; and as the burden of proof rests with Benton, he must sustain his charges or be considered a slanderer." (Aug. 3, 1849.)

"The Resolutions were introduced at the very beginning of the session; they lay torpid until its end. The plotters were awaiting the signal, from the 'leading friend' — waiting the Calhoun address. The moment they got it, they acted, although it was too late for the Resolutions to have the effect of instructions. They were passed after Congress had adjourned, and after it must have been believed that the subject to which they relate had been disposed of; for it was notorious that the territorial government bills were in process of enactment, and in fact only failed after midnight on the last night of the session, and that on disagreement between the two Houses; and their failure, on the 3rd of March, was not known at Jefferson on the 7th — the day of passing the Resolutions. It was too late to pass the Resolutions for the purpose of instructing me how to vote at Washington. It was too late for that; but was early enough for the summer campaign at home; and therefore they were passed."

Then with all the energy he could summon, Benton hurled his anathema at the plotters:

"Between them and me, henceforth and forever, a high wall, and a deep ditch! and no communion, no compromise, no caucus with them. . . . Woe to the judges, if any such there are in this work! The children of Israel could not stand the government of Judges; nor can we. . . ."⁴⁶

Having demonstrated his main proposition that the Missouri Resolutions were copied from those of Mr. Calhoun and that "the subversion of the Union is intended," Senator Benton declared in closing:

"In the execution of this design I cannot be an instrument, nor can I believe that the people, or the mass of the General Assembly wish it; and I deem it right to have a full understanding with my constituents on the whole matter.

"I therefore appeal from the instructions I have received,

⁴⁶ The last sentence was probably directed against Judge Price, Judge Napton, Judge James H. Birch, one of the most bitter of Benton's enemies, and Senator Atchison who, before his election to the Senate, had held a judgeship.

because they are in conflict with instructions already received and obeyed⁴⁷ — because they did not emanate from any known desire, or understood will, of the people — because they contain unconstitutional expositions of the Constitution which I am sworn to support — because they require me to promote disunion — because they are copied from resolutions hatched for great mischief, which I have a right to oppose, and did oppose in my place as Senator in the Senate of the United States, and which I cannot cease to oppose without personal disgrace and official dereliction of public duty — and because I think it due to the people to give them an opportunity to consider proceedings so gravely affecting them, and on which they have not been consulted.

"I appeal to the people — and the whole body of the people. It is a question above party, and should be kept above it. I mean to keep it there."⁴⁸

⁴⁷ Referring to the Resolutions passed on the fifteenth of February, 1847, already quoted. "How different — how irreconcilably hostile to each other — the two sets of resolutions! One makes the peace, permanency, and the welfare of our national Union, dependent upon the strict adherence to the spirit and terms of the Missouri Compromise, in its application to new territory — that is to say, upon the constitutional right, and the equitable exercise of that right, to legislate upon Slavery in the new territory, and to admit it in part, and prevent it in part; the other makes the dissolution of the Union dependent upon the same platform of fact and principle — denying the right of Congress to permit or prohibit slavery in a territory — asserting its prohibition to be a violation of the Constitution of the United States — an insult to the sovereignty of the States — and tending to the dissolution of the Union. Sad contradiction this, when the same remedy is both to cure and to kill! and although the political doctors may prescribe both, yet, surely, the political patient who has taken one, has a right to talk a little with the doctors before he swallows the other."

⁴⁸ The following occurs in an editorial review of Benton's Jefferson City speech in the *Western Eagle*, June 1, 1849: "This speech fully defines Benton's position upon the question of slavery in the territories and those who hesitated to pronounce sentence upon him until they heard his defence, may now be assured that he is utterly and altogether in favor of Wilmot's Proviso and contends that Congress has the power and should exercise it in prohibiting the introduction of slavery into all of the territory acquired from Mexico. Can Wilmot or any Northern Barnburner do more? The Colonel, conscious of the indignation he must

This appeal from the legislative instructions Senator Benton immediately followed up with a canvass of the State conducted with characteristic energy and aggressiveness. Over the entire State he went,⁴⁹ even invading the western counties where his en-

counter from the people of Missouri for deserting their interests at a crisis when his assistance is most needed, uses much tact and adroitness in endeavoring to avert the well-merited rebuke which he will receive, by directing the attention of the people to the course of Mr. Calhoun, the action of public meetings and several legislatures in the Southern States. Calhoun appears to be an evil genius that seems to haunt him both by day and night. . . . Are the people of Missouri so completely bound hand and foot to the ear of Benton, that they will suffer themselves to be *dragged* into such doctrines? Are the dominant party of this State, who have hitherto acknowledged this man to be their leader, so completely under his control that they are bound to obey all his behests, 'to turn about and jump about' as he may command them? The resolutions in to-day's paper show so far as this part of the State is concerned, 'that the scepter has departed from Judah,' and the friends of the great *Humbug* are becoming few and far between. . . ."

The resolutions mentioned in the last sentence were adopted at a meeting held at Jackson, Missouri, May 26, 1849, "with regard to the propriety of agitating the question of Wilmot's Proviso or Barnburnerism in this county or in this part of the State." The resolutions endorsed the Jackson legislative Resolutions, and included the following: "Resolved, That we receive the appeal of Thomas H. Benton from the Resolutions of the last Legislature . . . with mortification, astonishment, and as unprecedented: that we believe it the duty of the Representatives to obey the instructions of their constituents; and that the Legislature is the only legitimate organ through which the people of the State can speak to or communicate with their Senators in the National Legislature. That we shall postpone any further consideration of said appeal to some further occasion."

"Resolved, That we cordially approve of the course of the Hon. David R. Atchison on the slavery question, and for his having united in the spirited and patriotic appeal of the convention of Southern members of Congress to their constituents — eloquently warning them against abolition encroachments, and defending their inalienable constitutional rights."

One resolution invited Benton to visit that section of the State and defend or explain his appeal, an invitation which he accepted on Nov. 7, 1849. For the comment of the *St. Louis Union*, a staunch Benton organ, upon Benton's speech, see the *Western Eagle*, June 8, 1849.

⁴⁹ The itinerary of Senator Benton on this canvass, so far as I have

mies were most numerous and most desperate. Benton's speeches on this tour were substantial repetitions of the Jefferson City speech. His opinions were expressed in language most unrestrained. On at least one occasion his vehement personal denunciation of a supporter of the Jackson Resolutions in the audience threatened serious disorder.⁵⁰ As the canvass progressed Benton's utterances became more and more bitter and polemical. There lurked in the Jackson Resolutions, he reiterated, "the spirit of nullification," of "insubordination to law," and of "treason."⁵¹ Again and again he denounced them as "entertaining the covert purpose of disrupting the

been able to discover it, was as follows: on June 9 he spoke at Columbia; June 16, at Liberty; June 18, at Platte City; July 16, at Liberty; August 9, at St. Joseph; Sept. 1, at Fayette; October 17, at St. Louis; November 5, at Ste. Genevieve; November 6, at Perryville; and November 7, at Jackson.

50 At Platte City, June 18, 1849. William M. Paxton, Esq., was present and thus describes what took place: "In his circuit of the State, Benton appeared at Platte City. A stand had been erected. . . . The town was full of people opposed to Benton. At the stand there were only two or three hundred. Representative Wilkerson, who had voted for the resolutions, took a prominent place immediately in front of the speaker. I was reclining on the grass in the rear, conversing with Col. J. W. Reid, who had just returned from the Mexican War. Suddenly Benton's voice rose to its highest pitch, and Col. Reid instantly sprang to his feet and dashed to the stand. I followed and found him standing at Benton's side, with two revolvers in hand, and two more at his sides. Wilkerson having pronounced some statement of Benton's a 'lie,' the latter was pouring bitter denunciation on the treasonable Legislature, and pointing the finger of scorn and the voice of imprecation upon the pale and crouching form of Wilkerson. Benton was severe in his denunciation of Judge Birch, and brought charges for which a suit of slander was instituted, but which never came to trial." — Paxton's *Annals*, 117. See also Benton's speech at Fayette, Sept. 1, 1849.

51 "The Resolutions, taken altogether, are false in their facts, incendiary in their temper, disunion in their object, nullification in their essence, high treason in their remedy, and usurpation in their character. . . ." Benton at Fayette, Sept. 1, 1849.

national Union and of misleading the people of Missouri into coöperation with the slaveholding States for that purpose." Not content with condemning the Resolutions themselves, Benton assailed their authors with the bitterest diatribe and most vehement invective, mingled and interspersed liberally with profanity; in all of which arts of the western stump orator Benton was past master. These speeches, circulated in pamphlet form, "set the State ablaze" as had no other event in its history.⁵² From this time until after the passage of the Kansas-Nebraska bill in 1854, the Jackson Resolutions and Benton's "Appeal" constituted the platforms or rallying points of the radical and conservative Democrats in Missouri respectively who henceforth are usually denominated Bentonites and anti-Bentonites.⁵³

⁵² Switzler's *Missouri*, 269; Carr's *Missouri*, 225 ff.; Meigs's *Benton*, 413. For a good example of Benton's style, see the closing remarks of his Fayette speech. Of his speech at St. Louis on Oct. 17, the *Western Eagle* said (Oct. 26, 1849): "The speech of Col. Benton at St. Louis lately was of that coarse, bitter and denunciatory character which has exhibited itself in all his speeches throughout the State. His abuse of J. C. Calhoun and his denunciation of all those opposed to him, show plainly that his equanimity has been disturbed. The dignity of the Senator has been thrown aside, and the tyrannical, bullying disposition of the man has fairly developed itself. . . ."

⁵³ On Aug. 20, 1853, when the fight between Benton and Atchison was at its height, the following appeared in an editorial of the *Jefferson Inquirer*: ". . . The original cause of the division in this State was the passing of the so-called Jackson Resolutions and the sale of Col. Benton out of the Senate of the United States. . . . The Jackson nullifying resolutions were gotten up for this purpose [ousting Benton] and every Democrat who would not join in the crusade against Missouri's beloved Statesman, was denounced as a freesoil traitor, etc. . . . We have our terms of compromise and shall adhere to them until they are complied with. . . . These terms are: the reëlection of Col. Benton to the Senate of the United States, from which he was sold by a few traitors in the Democratic party, and the *repeal of the Jackson nullifying resolutions*." The italics are mine.

CHAPTER II

Missouri Politics, 1844-1852 (continued)—James S. Green's Reply to Benton's "Appeal"—Benton's Election to the House in 1852.

In public addresses and letters, men of great ability denied the soundness of Benton's views, denounced his course in refusing to obey the instructions of the Legislature, and justified their own. Among these public and outspoken critics⁵⁴ of Benton, none were more conspicuous than David R. Atchison and James S. Green. Atchison was Benton's colleague in the Senate, having been reelected for the full term by the General Assembly which had passed the Jackson Resolutions. Green was a brilliant

⁵⁴ As early as the first of July, 1849, the following Democratic newspapers, and perhaps others, were actively opposed to Benton: the *Metropolitan*, at Jefferson City; the *Platte Argus*, at Platte City; the *Missouri Courier*, the *Southern Standard*, the *Fayette Democrat*, the *Howard County Banner*, the *Northeastern Reporter*, the *Louisiana (Mo.) Banner*, and *Grand River Chronicle*. The principal papers supporting Benton were the *St. Louis Union*, and the *Jefferson Inquirer*. The Whig press was on the whole anti-Benton. In this connection see the *Western Eagle*, July 6, 1849.

Both Benton and Judge Birch (anti) spoke at Liberty, July 16, 1849. Resolutions were adopted declaring in substance that Benton was bound in honor to himself and duty to the State either to obey the instructions of the Legislature or to resign. The resolutions also declared implicit confidence in the ability, integrity and correct principles of Senator Atchison.—The *Western Eagle*, July 27, 1849.

I have been able to discover very little definite information concerning the activities of the anti-Benton leaders in this campaign.

young lawyer of St. Louis, a member of the House of Representatives, and destined, in 1857, to succeed Atchison in the Senate of the United States. Both Atchison and Green wrote letters designed for publication in which they set forth at great length their position upon the issues raised by the Resolutions and Benton's appeal. Mr. Green wrote probably the ablest reply to Benton and made the most adroit attack of the campaign upon Benton's attitude toward the subject of Slavery.⁵⁵

Green's letter,⁵⁶ dated Washington, D. C., De-

⁵⁵ Respecting the importance of Green in the war against Benton, James G. Blaine said: "Green had done more than any other man in Missouri to break the power of Thomas H. Benton as a leader of the Democracy. His arraignment of Benton before the people of Missouri in 1849, when he was but thirty-two years of age, was one of the most aggressive and successful warfares in our political annals." — *Twenty Years of Congress*, i, 273. I have been able to discover very little evidence other than the letter mentioned above which justifies this high estimate of Green's efforts against Benton.

I have also been unable to discover a copy of the letter which Atchison wrote. Its existence is mentioned, and a paragraph from it is quoted by the *Jefferson Inquirer*, May 21, 1853. The following, occurring in the *Western Eagle*, may be an allusion to this letter:

"The Hon. David R. Atchison, U. S. Senator from this State, has published a reply to certain resolutions adopted at a meeting held in Platte City, June 4th, 1849, in which he defends his course in acting last winter with the Southern members of Congress in signing the address which they adopted; he also fully coincides with the Jackson Resolutions adopted by the Legislature at its last session and promises implicit obedience to the instructions which they contain. . . . His position [upon the Wilmot Proviso] is exactly opposite to that of Benton. . . ." July 6, 1849.

"He [Atchison] was the only Senator from Missouri during Benton's service who dared set himself up in opposition to Benton. In the division of the Democratic party in Missouri which came soon after the Mexican War, Atchison led the pro-slavery and pro-Southern element as against the old Jacksonian and Unionist ingredient which had Benton for a chieftain." — *Goodspeed*, iv, 82.

⁵⁶ *Letter of James S. Green of Missouri to Messrs. John S. Farish,*

ember 10, 1849, opens with a discussion and emphatic endorsement of the right of State Legislatures to instruct Senators in Congress. Benton's course in refusing obedience, amounting to "a practical abandonment of the doctrine of instruction,"⁵⁷ is then taken up for the purpose of discrediting the Senator in the eyes of the Missouri Democracy. The writer then endeavors to show that the Jackson Resolutions, literally interpreted, imposed no obligations with which a person holding Colonel Benton's views of the power of Congress over slavery in the Territories could not consistently comply.⁵⁸

John W. Minor, Thomas Roberts, Wesley Burks, and others, citizens of Schuyler County, Mo. A copy of this letter in pamphlet form is in the possession of the Missouri Historical Society, St. Louis.

57 "Colonel Benton's appeal, and present course, amount to a practical abandonment of the doctrine of instruction; and for that reason, if for no other, I could not approbate his conduct. True, he does not in so many words deny the right of the Legislature to instruct the Senators; but while he admits this, he does that which, for all practical purposes, renders the right of instruction of no effect. By his 'appeal' he designs to overreach and supersede the expressed will of the legislative authority. He substitutes what he may choose to consider the sentiments of tumultuous crowds, for the declared will of the people, as expressed through their only constitutional organ. And in his strange proceedings he constitutes himself not only the *appellant*, and *advocate*, but also the *judge* in his own case, and we therefore may expect him to decide according to his own inclination." *Green's Letter.*

58 "And it is worthy of notice that our resolutions of instruction do not require of Colonel Benton *any vote*, or *any act*, which can conflict with his declared opinions of the Constitution on the subject of slavery. They simply instruct him to vote for the extension of the Missouri Compromise line to the Pacific Ocean, if thereby this difficult controversy can be settled; or, if that cannot be done, then to vote *against* any other interference with the subject. He claims full constitutional power to legislate as Congress may please over the subject of slavery in the Territories; and surely to obey the instructions, and vote *against all interference*, unless the Missouri Compromise can be obtained, cannot involve a violation of the Constitution, according to his own construction of that instrument. The Senator is not

Benton's charge that the Resolutions were forced through the Legislature by fraud and deception is next taken up,⁵⁹ and then Mr. Green proceeds to impeach Senator Benton's "soundness" upon the slavery issue, and especially with reference to the Wilmot Proviso. This is the most significant part of

called upon to mould his *opinions* in conformity to the language of the instructions; but he is required to do the *acts* commanded. The acts required by our resolutions are all of a *negative* character except the extension of the Compromise line, and to that Colonel Benton pretends to take no exception. Voting in the negative — voting *against* the Wilmot Proviso, and voting *against* all bills interfering with slavery, cannot violate the Constitution; and that is precisely what the Senator is commanded to do. No reason, therefore, can be found to exonerate him from strict obedience of the legislative instructions."

59 "But as an excuse for disregarding the instructions, it is said they passed by fraud, after being concocted by a band of conspirators, whose motives were base, selfish, and personal.

"This has been repeated so often, and with so much boldness and effrontery, that many good men have been led to believe in it, although, for myself, I have not seen or heard the first particle of evidence tending in any degree to sustain the charge. To me, it looks like adding insult to injury. Not content with trampling on the authority of the State, the next step is to tarnish her reputation. The charge, however, is but a pretext — an unsupported, flimsy pretext, designed to deceive the people, and thereby mitigate, if not conceal, the offence of disobedience. They were passed on the seventh of March, last, and intended to control the Senators at the *subsequent sessions of Congress*; just like the instructions for the railroad, and many others which have passed since the organization of our Government. And whether they were conceived by one man or another; whether they were written by one member, or a dozen others in conjunction with him, are questions wholly irrelevant and immaterial. When they were written and laid before the two Houses of the General Assembly, they were seen, examined, and *approved*, by a large majority of each House, and passed in strict conformity to the letter and spirit of the Constitution. Then they became the act of the Legislature, and so they will ever remain, though subject to repeal by a subsequent act equally solemn. And at this moment of time, notwithstanding all that has been said against them, a majority of the members yet approve them, and, if now in session, would reenact them to-day; and this fact disproves the charge that they were passed by fraud and deception upon the members. . . ."

the letter. "Our Resolutions of instruction," wrote Green, "seem to have been drawn *with the special intention to condemn the Wilmot Proviso*,⁶⁰ and all measures of a kindred nature." Senator Benton's opposition to these Resolutions has induced the writer to believe that Benton is "really in favor of that fanatical and treacherous measure." "His recent speeches and conduct afford strong corroborative evidence of the same fact."⁶¹ Continuing in this line of attack, Green goes on to say:

"On questions so vital, so momentous as this, it is certainly important that the people should know precisely, without doubt or ambiguity, the opinions of their public servants. How else can they expect to be faithfully and truly represented? Colonel Benton has been asked frequently by his constituents for his opinions on the subject, and he has never answered any one so as to make himself understood; nor would he give them the least satisfaction. He replied, '*I make no pledges—I give no bonds;*' and in no instance would he answer whether he was *for* or *against Free Soilism*. Now, I believe from the facts above given, together with various others, that he is as much a *Free Soiler* as David Wilmot; but yet there are many good and worthy citizens of our State who think he is *against* Free Soilism, and would abandon him in an instant if they believed he would favor that odious and dangerous scheme. To my certain knowledge some of his friends consider him committed for the Proviso, and others consider him against it. One or the other of these must be deceived — one or the other must be disappointed. In such case, neither

⁶⁰ The italics are mine.

⁶¹ Numerous passages from Benton's speeches are then cited in support of this statement, after which Mr. Green launched into a long argument against the Proviso.

Beginning with the campaign of 1849, it will be observed that the assaults upon Benton are concentrated upon his position toward the Proviso, as in 1844 they had been directed against his position upon the Texas question.

one should repose any confidence in the man, who knowingly and wilfully practices such duplicity and double-dealing as must even-tuate in the disappointment of one or both; and no man can tell but that he himself may be the sufferer. . . .”⁶²

The letter closed with a brief allusion to public sentiment in Missouri toward the Wilmot Proviso, and to the character of the canvass conducted by Colonel Benton during the preceding summer and autumn:

“The sentiments here advanced are such as I have long entertained, and have repeatedly declared to my constituents during the last summer and fall, in compliance with the requests of those to whom I am responsible for my political action. Throughout the district I have found the citizens nearly unanimous in favor of the same opinions—all, or nearly all, being opposed to the proviso, and in favor of *non-interference*, leaving the question of slavery unaffected by Congressional action, which is the only national doctrine upon which all sections of the Union may unite, and settle, to the satisfaction of all concerned, this unfortunate controversy. I am aware that some of my friends thought my language last fall savored too much of hostility to Colonel Benton. It may have seemed so to one not acquainted with the circumstances demanding it; but a full knowledge of these will at least extenuate, if not completely justify me for every word I uttered. Not a single disrespectful term was applied by me to Colonel Benton, until his hostility had provoked it in self-defense. But when he threatened to ‘crush’ me, and ‘grind me to

⁶² The following is taken from an anonymous pamphlet entitled, *A Statement of Facts and a Few Suggestions in Review of Political Action in Missouri*, published in 1856, and found in bound volume of pamphlets belonging to the Missouri Historical Society: “Instead of yielding obedience to those instructions, Colonel Benton denounced them in the most unsparing terms, and commenced, in the year 1849, the organization of a separate faction in Missouri, taking as its shibboleth, that Congress had a right to pass the Wilmot Proviso, and exclude slavery from the Territories. He made many speeches in different parts of the State, and published many letters, urging all who agreed with him to aid, in his own language, in

dust,' and otherwise outraged my feelings without just cause, in the excitement naturally produced I departed from my usual conduct, and in acrimonious retort indulged in language which may have been too harsh and improper. In no instance, however, did I go further than the example he had given me."

That the campaign of 1849 in Missouri was not only one of extraordinary interest and excitement but also exceedingly acrimonious appears more clearly from a letter written by Adam Klippel,⁶³ a strong Benton sympathizer, to Hon. Salmon P. Chase while the canvass was at its height. The letter was dated St. Joseph, Missouri, September 14, 1849, and in it occurs the following brief but vivid and circumstantial account of the agitation and acrimony attending this remarkable campaign:

"Dear Sir: You are no doubt aware of the excitement and agitation in Missouri on the slavery question, and the extraordinary exertions now going on to defeat Col. Benton's reëlection

'building a high wall and digging a deep ditch, socially and politically,' between them and the Democracy of the State. That separate organization under his championship, had for its most efficient leaders those of his confidential friends who, in 1848, had inaugurated in Missouri a Van Buren and Adams movement against Cass and Butler. That movement proved an utter failure. Colonel Benton was not directly identified with it. Still, as his course from 1844, and his failure to denounce or attempt to repress that scheme, left it uncertain to what extent his confidential friends, who were engaged in it, had acted under his sanction, the doubts and distrusts as to his fidelity, which had largely prevailed before, became then so greatly increased, that many who had, up to that period, clung with unyielding confidence to him, began to entertain serious misgivings as to his political faith."

This pamphlet is hereafter cited as *Rev. Pol. Action*.

⁶³ At the time of writing this letter, Klippel was a printer. Later he became a clergyman in the Methodist Episcopal Church, and an editor. In 1860 he took the stump with Carl Schurz in Missouri in behalf of Lincoln.—"Diary and Correspondence of S. P. Chase," in Am. Hist. Assn., *Report*, 1902, ii, 470, citing *U. S. Biographical Dictionary* (Missouri volume). For the letter quoted in the text, see *ibid.*, 470 ff.

to the Senate. . . . Believe me, sir, the excitement prevalent in this State at this moment, is fully equal to a Presidential campaign, such as we have seen in Ohio last summer and fall. Everywhere Benton's appeal, his course, slavery in the territories, abolitionism, &c., &c., are discussed and talked over most lively. And Mr. Benton is travelling over the State making speeches to the people, and at every place he goes immense numbers are present to hear. Mr. Benton spoke in this town on the 9th of August, to a very large concourse of people—about 1500 persons. . . . I was afraid Mr. Benton would commit a blunder, as his mind was very much excited. A little previous to making his speech, he was arrested for slander. Judge James H. Birch—who . . . is following Benton wherever he goes, making opposition speeches—was the man that sued Benton, for accusing the Judge of whipping his wife.⁶⁴

"Judge Birch spoke here last Saturday (Sept. 8) together with our own Representative in Congress—Willard P. Hall, the latter taking only a milder ground of opposition to Mr. Benton. Every disguise, as to the intention of these men towards Benton, is done away. They openly declare that they '*are determined to put down Benton!*' All the judges, more or less, in Missouri are out against Benton: and Mr. Benton in return comes down upon them in no unqualified terms—calling them nullifiers, disunionists, &c. I am sorry Mr. Benton indulges so much in *profanity*. It looks certainly very bad, especially so in a Statesman. He curses the judges personally, and everybody else that disagrees with him. Yet in this respect his opponents—Atchison and all his followers, the judges—are not a whit behind. Nine out of twenty-two democratic papers in the State, it appears, are out against Benton, and are unbounded in villifying him, and such epithets as 'traitor,' 'Apostate,' 'Scoundrel,' 'Barnburner,' 'Abolitionist,' 'Free Soiler,' are continually heaped upon him unsparingly. At the head of these stands the Jefferson City 'Metropolitan'—a miserable sheet. . . . I am afraid Benton *will* be defeated. The people of Missouri, however, so far as I have been able to see will sustain Col. Benton. But notwithstanding

⁶⁴ See note on a preceding page, quoting Paxton's *Annals*, 117.

standing this, I am afraid — very much afraid — our General Assembly will drop Benton,⁶⁵ and send in his place another such a dough-head and Slavery-Propagandist as General Atchison, who is also now canvassing the State against Benton. . . .”⁶⁶

The effect of Benton's appeal and the canvass which ensued, was, in the words of another contemporary, to “stir popular feeling from its profoundest depth.”⁶⁷ Benton's appeal assumed the character of a test. Upon it and upon the Jackson Resolutions, including the subject of slavery in the Territories, it “became obligatory for every one to give an opinion who was a solicitor for public favor.”⁶⁸ Political friends “completely separated” upon the Resolutions, and were “widely diversified in sentiment about their construction.”⁶⁹ Democratic candidates for Congress found it necessary to write circular letters to

⁶⁵ Calhoun wrote to Thomas G. Clemson, Aug. 24, 1849: “. . . Benton and Clay are both playing for the North. I enclose in pamphlet form my notice of his assault on me. . . . It is, so far as I have heard, regarded as triumphant. It is said, that he will not be able to sustain himself in Missouri. His colleague, Gen. Atchison, says he has no chance to be re-elected.” — Calhoun's “Correspondence” in *Am. Hist. Assn., Report*, 1899, ii, 771.

In the same month Calhoun wrote to A. W. Venable: “I hear from Missouri, that Benton's days are numbered. Atcheson and Green say, that he has as good a chance to be made Pope, as to be elected Senator.” — *Ibid.*, 770; also, *ibid.*, 1204. See also the *Western Eagle*, Jan. 11 and June 21, 1850.

⁶⁶ I have not been able to learn the itinerary of either Atchison or Birch. Atchison spoke in St. Joseph the latter part of September and in Jackson in the same month probably. See the *Western Eagle*, Aug. 31, 1849.

⁶⁷ Col. William F. Switzler of Columbia, Mo.

⁶⁸ *Circular of Mr. James S. Bowlin to his Constituents, the Voters of the First Congressional District in Missouri* (1850); a pamphlet belonging to the Missouri Historical Society.

⁶⁹ *Ibid.*

their constituents in which they carefully defined their position upon the burning issues of the day. "These resolutions," wrote one candidate for Congress,⁷⁰ "have been so much discussed, so critically reviewed, so wildly denounced, and so warmly eulogized, that it becomes almost impossible to divest the mind of the over-heightened colorings that have been thrown around them, and subject them to a calm, philosophic review."⁷¹

This political ferment was not confined to the ranks of the Democratic party: it affected the Whigs also. Their attitude throughout the campaign of 1849-1850 is well described by Colonel Switzler, himself a contemporary Whig:⁷²

"The Whigs, at all times a minority in the State, claimed to occupy a position of 'armed neutrality' touching the distracting questions which threatened the unity and power, if not the very existence of their Democratic opponents. It is not to be denied, however, that quite naturally, they sought to foment the prevailing discord, and in reference to the Jackson Resolutions themselves, sympathized with Colonel Benton.⁷³ Their representa-

⁷⁰ Mr. Bowlin, *ibid.* Mr. Bowlin at first tried to maintain a neutral attitude, but was soon forced to take sides, and then came out against Benton.

⁷¹ There is an echo of this storm and stress period in the proceedings of Congress which met in December, 1849, in connection with the presentation of the Jackson Resolutions in the Senate by Mr. Atchison on the third of January, 1850; *Cong. Globe*, xxi, Pt. i, 98; *Senate Journal*, 1st Sess., 31st Cong., 48. Benton's remarks on this occasion are reproduced in another connection in *Thirty Years' View*, ii, 361-362. The Resolutions were presented to the House by Mr. Green, Dec. 31, 1849; *House Journal*, 1st Sess., 31st Cong., 203.

⁷² *History of Missouri*, 272.

⁷³ This may be true in general, but there were numerous exceptions. For example, the *Western Eagle* endorsed the substance of the Resolutions, but repudiated the idea of nullification or secession. The Whigs naturally

tives in both branches of the General Assembly had opposed them by speech and vote at the time of their adoption, and for similar reasons to those afterwards presented by Colonel Benton in his warfare upon them." By the time it became necessary to elect a successor to Benton in 1850, "the Whigs themselves were to some extent divided into Benton and anti-Benton Whigs, designations which attached to the one segment or the other according to the intensity of its pro-slavery or anti-slavery sentiments."

Very little evidence has been found which indicates clearly what the leaders and lieutenants of the two great factions in the Missouri Democracy did in the spring and summer of 1850. Apparently the State's two Senators, Benton and Atchison, were fully occupied with the absorbing topics then engrossing the attention not only of Congress but of the whole country. We read of few speeches in Missouri: in fact, few were needed, for the issues had all been clearly defined during the exciting contest of the year preceding.

In August were to be elected members of the

availed themselves of the disaffection in the Democratic ranks to conduct a State and Congressional campaign of unusual vigor in 1850. See the *Western Eagle*, Aug. 17, 1849, Mar. 29, June 28, July 19, Aug. 2, and Aug. 23, 1850. As early as the first of April, 1850, the possibility of bringing about the election of a Whig to the Senate was perceived and urged in the Whig press. See a communication from "A New Madrid Whig" in the *Western Eagle*, April 12, 1850.

This Whig organ was particularly severe in its condemnation of Benton for his neglect to secure appropriations from the Federal Government for internal improvements within the State of Missouri. Atchison is similarly criticised. One editorial on this subject was called forth by the statement of the Washington correspondent of the *St. Louis Intelligencer* to the effect that the act granting alternate sections of land to aid the Illinois Central Railroad, "may be attributed mainly to the exertions of Col. Benton, the Missouri Senator." In view of Benton's "total neglect" of the railroad interests of his own State, the editor regarded Benton's "magnanimity" in this direction as "supererogatory." — Issue of May 24, 1850.

General Assembly which would choose a successor to Senator Benton. That individual, on the whole, appears to have viewed the situation with far too great equanimity, apparently overestimating his influence and the strength of his following. Often he refused in a decidedly cavalier fashion requests from his constituents to appear before them and speak upon the issues.⁷⁴

Some attempt seems to have been made to heal the schism caused by the Jackson Resolutions and Benton's appeal. Overtures were made by the Antis to the Bentonites looking toward a united Democratic ticket in the August campaign. This prospect of reconciliation was swept away by a spirited letter from Senator Benton, dated Washington City, March 8, 1850:⁷⁵

"I have had a great many letters from friends in different parts of the State, in relation to a union with the Calhounites in the ensuing elections; such letters are very mortifying to me—too much so to be answered. I was sounded upon the point last summer when the articles were going through the Calhoun papers, for a general convention of the party, as it was called, to meet and settle all differences. I answered instantly and truly, that I would sooner sit in council with the six thousand dead, who have died of cholera in St. Louis, than to go into convention with such a gang of scamps; and that is my sentiment to-day. There is but one principle on which the Democrats and the Calhounites can meet in any election, and that is one which Calhoun said held the party together, 'the cohesive bond of public plunder.' That may be true of him and his, but it is not true of me and mine:

⁷⁴ Rogers's *Benton*, 313. Benton spoke in St. Louis, Nov. 9, 1850. This is the only speech of his in the campaign of 1850 of which I have found a summary.

⁷⁵ The name of the person to whom this letter was addressed is not given in the *Western Eagle*, April 15, 1850, where the letter is printed.

and I will prove it during these elections, by standing clear of all connections with them. I will not mix with them nor give, nor take help. Let them have their own ticket and we ours. Let us have a clean Democratic ticket — no taint of Calhounism, *i.e.* secession, disunion, nullification, in it. Let them have their own ticket, and elect it if they can; or defeat ours if they can. The point is to defeat them. The public good requires it; the harmony and the preservation of the Union require it. The Missouri elections this year are a turning point in the drama of disunion. The disunionists count upon Missouri. They believe they have the State, and that belief emboldens them in the highest degree; success in one election will confirm that belief. The election of Calhoun men will confirm it; therefore they must be defeated and if confined to their own ticket they will be defeated. City and County, State and Federal, Congressional and all, they should be put to their own ticket,⁷⁶ and be made to congregate by themselves; we shall be stronger when they are gone; and what is more, we shall be clean — no timid or selfish calculations about losing elections; we may lose some few, but still the great point will be gained, Calhounites will be put down, and even the election of Whigs will be a triumph over them — a victory in behalf of the Union — and that is the overruling consideration at present. Fear of seeing Whigs elected can have no effect upon me under present circumstances — not even a fear of seeing a Whig elected in my own place. I am for the country and for the Union, and the country and the Union require Calhounism to be extinguished in Missouri, and I am for the extermination as courageously as the Calhounites are for dissolution of the Union, 'at all hazards and without regard to consequences.'

"People ask me here why I do not speak? I tell them, when I was at the Bar, I never interrupted my adversary's counsel while he was proving up my case for me.

"This letter is not for publication, but it is not for concealment. Friends may see it."

When the returns from the August elections

⁷⁶ This was substantially the course pursued in the campaign of 1850.

were all in, it was evident that the newly elected Legislature would be divided into three factions, Bentonites, anti-Bentonites and Whigs, in such a way that no one faction could command the majority necessary to effect the election of a Senator.⁷⁷

The General Assembly convened December 30. The caucus of Bentonites sent a message to the anti-Benton caucus inquiring if they would join with the Bentonites for the purpose of effecting an organization of the Legislature. To this message the Antis replied in a resolution which stated that "when-

⁷⁷ In commenting upon the result of the August elections, the *Western Eagle* (Aug. 9, 1850) said editorially:—" . . . Freesoilism is prostrate in Missouri, and for one, we do most heartily rejoice. The reign of Benton is at an end; and it is a consummation for which we have ardously labored and most devoutly wished. The people on Monday last gave him his quietus, and his odious principles a 'Sadducee burial.' . . . Rejoice, independent Democrats for you have overcome a political tyrant! Let the whole people of Missouri rejoice, for they have rid themselves of one who has always been a curse to their prosperity."

The Washington correspondent of the Baltimore *Clipper*, writing Aug. 6, 1850, made the suggestion that in view of his recent defeat in the Missouri elections, Benton "will go to California and seek to be returned as a Senator from that State."—Quoted in the *Western Eagle*, Aug. 16, 1850.

The interpretation which Benton placed upon the result of the elections is represented by the *Western Eagle* (Nov. 15, 1850) in a review of Benton's speech at St. Louis, Nov. 9, 1850 (I have been unable to find the speech itself): ". . . The Colonel contends that his appeal from the resolutions of instruction . . . has been sustained by the people and that he has no farther interest in the contest, than to see execution done on the condemned resolutions. We will use his own words—'all my objects have been accomplished. The people of Missouri were waked up to a sense of their danger! The whole Union was waked up to the danger of disunion. My appeal—my six months speaking to the people of Missouri waked up the State and all the States! What would have been the condition of the country, if I had not made the stand I did?' Well, who did kill cock robin? I, says Benton, with my six months speeches!" [delivered in 1849].

ever the Benton Democracy shall abandon Colonel Benton as their candidate for United States Senator and their support of his 'Appeal' from the instructions of the last General Assembly of Missouri, and the principles maintained by him relative to the subject of slavery, *then* this meeting will with great pleasure join all Democrats in carrying out the great fundamental principles of the Democratic party, as set forth in the Baltimore platform of 1844 and 1848, provided they recognize the rights of instruction by the Legislature to their Senators in Congress."⁷⁸ With such terms, amounting to a complete surrender of their position, the Benton men could not of course comply.⁷⁹

The joint sessions of the two Houses for the purpose of electing a Senator began on the tenth of January, 1851, and continued to be held from day to day until the twenty-second. On the eleventh, Mr. Hill, a member of the House, offered in joint session the following resolution:

"Resolved, That the one-half of the State of Missouri is now misrepresented in the person of Thomas H. Benton in the United States Senate, and that the two Houses, now in joint session will not adjourn except as may suit their convenience until a United States Senator who will reflect the true interests of the State shall have been elected, or until the 5th day of March, next."⁸⁰

⁷⁸ The *Western Eagle*, Jan. 3, 1851. Telegraphic accounts of legislative proceedings appeared regularly in this paper beginning with this issue.

⁷⁹ See also in this connection Reports of House and Senate Committees on Federal Relations, in *Missouri House Journal, 1850-51*, Appendix, 239, and *Missouri Senate Journal, 1850-51*, Appendix, 249.

⁸⁰ *Missouri Senate Journal, 1850-51*, 88. See also the report of the

The resolution was laid upon the table, but it is significant of the animus of the anti-Benton members, and the resolute determination of some to compass the defeat of Benton at any price.

"The war of the factions raged furiously," writes a contemporary Whig, "each 'wing' of the Democratic party preferring the success of the Whigs to the success of the opposing division of their own party. Finally a portion of the line of each of the opposing forces gave way, and victory perched upon the banner of the Whigs."⁸¹ On the fortieth ballot, Henry S. Geyer, a lawyer of eminent ability residing in St. Louis, was elected for the term of six years beginning March 4, 1851. On that date Thomas H. Benton, after a period of thirty years' service, ceased to be a Senator of the United States.

According to the calculation of his enemies, Benton should have retired from political life after his defeat;⁸² but they had reckoned without their

House Committee on Federal Relations, in Missouri *House Journal*, 1850-51, Appendix, 239 ff.

⁸¹ Switzler's *Missouri*, 273. The break in the Democratic ranks began about the sixteenth of January, and seems to have come from the anti-Benton side. On that day the following despatch was sent to the *Western Eagle*: "To-day has been the most exciting day of the session. Several of the anti-Benton members avowed their intention to vote for H. S. Geyer. Mr. Stewart in particular made a speech expressing his determination to do so. In his remarks he stated that his object was to defeat Colonel Benton, and he infinitely preferred a Whig of sound sentiments, like H. S. Geyer, to Benton. He said that if he were compelled to vote for either Seward or Benton, he would cast his vote for the former, for he was an avowed Abolitionist, while the latter was an Abolitionist in disguise — not from principle but from policy." — Issue of Jan. 17, 1851.

⁸² Statement of Judge William C. Price, reported to me by Mr. Connelley.

host. A Benton temporarily cast down and a Benton vanquished and destroyed were two entirely different things, as they were soon to discover. Benton immediately set about reorganizing his "bolt" from the regular Democratic organization in Missouri.⁸³

When the parties in that State were about to prepare for the Congressional, State and Presidential elections in 1852, the Antis made another effort to heal the schism which had resulted in the election of a Whig Senator, and sought to bring together into one State convention all who still claimed to be Democrats. But with this Benton would have nothing to do. Letters were published by him in denunciation of the movement toward factional reconciliation, and his followers were forbidden to participate in the State Democratic convention which met at Jefferson City early in the summer of 1852. That convention, composed mainly of radicals, manifested a willingness to forget the past, including Benton's "hostility to the Compromise measures of 1850," his disobedience of the legislative instructions, and his open "bolt" from the Democratic party, "on condition that he and his supporters would 'acquiesce' in the adjustment measures of 1850 and the principles

⁸³ The Washington correspondent of the Louisville (Ky.) *Courier* wrote in March, 1851: ". . . Mr. [F. P.] Blair [Jr.] visited him [Benton] a day or two since to prevail upon him to announce himself as a candidate for the Presidency, regardless of all party dictation or nomination; assuring him that the country would sustain him if he would do so. His supplications and entreaties, however, were of no avail, as Benton vowed that he would give neither sleep to his eyes nor rest to his limbs, until he had revolutionized Missouri, and his supremacy in that State was conceded by his reëlection to the Senate in the place of Atchison. . . . Quoted in the *Western Eagle*, March 21, 1851.

they established, and in good faith adhere to the party organization and nominees.”⁸⁴ In less than two months after the Jefferson City convention, “Colonel Benton took the stump again in Missouri, denounced the Democratic State Convention and its platform, derided all who adhered to it, and proclaimed that he would never again support the nominees even of a Democratic National Convention.”⁸⁵

Acting in accordance with Colonel Benton’s admonitions, “his friends drew off from the Democratic party in most portions of the State where they had any strength. In the first Congressional District, the regular convention nominated as the Democratic candidate for Congress, Col. Louis V. Bogy; the Benton men bolted, and Colonel Benton ran as an independent candidate. His example and his advice were followed generally by his friends: they bolted from the regular Democratic organization, formed a new organization and continued to act under it,” until after the defeat of Benton for reëlection to the Senate in 1854-55.

Colonel Benton’s election to the House of Representatives was merely an episode in his struggle

⁸⁴ *Rev. Pol. Action*, 8. “As an illustration of his [Benton’s] course,” the *Review* continues, “it may be here stated, that on the 15th of May, 1852, he delivered a speech at the town of Jackson, Missouri, unsurpassed in vituperation, in which, after reviling and denouncing the Democratic State Convention for nearly half an hour, he proceeded thus: ‘I now drop the Jefferson City convention with the declaration that it was all a fraud and cheat from the beginning! that it had effected no union between the two wings of the Democracy! that the Antis (Democrats) remain (their leaders, I mean) under a distinct organization.’”

⁸⁵ *Ibid.*

for reëlection to the Senate.⁸⁶ The same fury and vehemence and vituperation characterized his campaign in 1852 that had distinguished his canvass three years earlier. Throughout the whole of the tremendous contest for election to the House, from which he emerged triumphant, "he spared no public or personal denunciation. He exhausted every expletive of abuse. He ransacked the entire range of the English language for terms of scorn and derision. He spared no character. He wavered in no contest. He struck at everything and everybody, fiercely, powerfully, and with a rude grandeur of gigantic rage and hate. He was an angry Vulcan forging and launching thunderbolts of hate."⁸⁷

⁸⁶ Though the campaign of 1852 involved issues of more significance than the personal defeat or triumph of one leader and his faction, the Jackson Resolutions and the Wilmot Proviso and Benton's opposition to the Compromise measures of 1850 still lay at the bottom of the factional war. In a letter to the editor of the Booneville (Mo.) *Observer*, in June, 1852, Benton said, referring to the Jackson Resolutions: "I gave notice to the people, in my appeal in 1849 of my intention to get their decision upon the question of expunging those resolutions from the journals. I now repeat the notice, with the declaration of my intention to continue the efforts (and if I remain out of Congress, in a more direct manner) until it succeeds, or my natural life ceases." Benton, it may be added here, never succeeded in this second "expunging" struggle. The letter referred to is quoted in *Rev. Pol. Action*, 106.

⁸⁷ Comment of the New Orleans *Crescent* upon Benton's election to the House, quoted in *Jefferson Inquirer*, Aug. 28, 1852. Preceding the passage quoted above, occurs the following comment: "In the history of American politics we have just realized an extraordinary occurrence. A man who but yesterday was driven from the council hall of the nation, in which it was his boast that he stood for thirty years a Senator, returns again into his legislative labors, and returns under circumstances of the most extraordinary and triumphant character. He is elected by a Democratic slave-holding constituency and elected by a remarkably large popular vote when his theoretical opinions and senatorial votes have notoriously made him obnoxious to the entire slave-holding section of the Union. He

Long after Colonel Benton's election to the House, the war of the factions continued. In August, 1852, a special session of the Legislature was called to consider the subject of Internal Improvements, a subject in which there was deep and widespread interest in Missouri during this period. Great, however, "as was the particular interest everywhere felt in the early completion" of the railroads within the State, "nothing could obscure the camp-fires of the political factions, or smooth the ragged edge of their conflicts. Fresh from the turbulence of the State canvass, which had closed on the first Monday of the month, the Senators and Representatives of the people, supplemented by a large and active lobby, assembled at the Capitol, and at the very threshold confronted the questions of Benton and anti-Benton, Free-soil and Slave-soil, Whig and Democrat, Hard and Soft. Therefore, a most bitter and protracted struggle ensued in the organization of the House, during which the special objects for which the session had been called were entirely forgotten. . . . And thus the conflict raged, the 'Jackson Resolutions' being the real element of discord: the Benton Democrats avowing the purpose

is elected from a populous district against the opposition of a well-organized and enthusiastic body of Whigs, when his own party was split into two irreconcilable factions, and when the Whigs knew that the whole of a long life had been devoted to the bitterest and most vindictive, vituperative warfare upon their cardinal principles and most eminent leaders. He is elected from a district in which his violence of temper and haughtiness of will have bred countless feuds and as it were petrified them into implacable enmities. . . . Nor did Benton attempt to conciliate. Conciliation is not in his rough and stubborn nature. . . ." See also *Rev. Pol. Action*, 106.

to expunge them from the Journal; the Antis, to keep them there; the Whigs securely poised on the pedestal of 'armed neutrality.' ”⁸⁸

This special session of the General Assembly did not adjourn finally until two days before the time fixed by statute for the assembling of the next regular session, which began December 27, 1852, and adjourned February 24, 1853. The latter was “a stormy session — storms in both Houses over the Jackson Resolutions, and the questions of slavery, secession and disunion.”⁸⁹ With its close we are brought to the beginning of the memorable campaign of 1853, which marks the culmination of Benton’s efforts to secure his restoration to the Senate — a campaign deserving a detailed treatment which is reserved for subsequent chapters.

⁸⁸ Switzler’s *Missouri*, 276-277.

⁸⁹ *Ibid.*; *Missouri House Journal*, 519.

CHAPTER III

The Pacific Railroad—Benton's “Central National Highway”—Nebraska Territorial Movement, 1852—Abelard Guthrie—Douglas's Lack of Interest in Nebraska—Atchison's Inconsistency.

Nearly coincident with the beginning of the schism in the Missouri Democracy precipitated by Benton's “Appeal,” occurred the discovery of gold in California and the vast emigration from the eastern States across Nebraska. With the growth of populous settlements upon the Pacific coast arose the necessity of providing for their protection and defense, and for some means of cementing these widely separated portions of the Union. In politics as elsewhere, necessity is the mother of invention; and the necessity thus created gave birth to a variety of projects designed to bind the Pacific settlements to the rest of the Union. Of such projects none was more ambitious or more pretentious than Thomas H. Benton's plan for a “Central National Highway to the Pacific.”

The importance of this project in the history of the repeal of the Missouri Compromise lies in the effective use which Colonel Benton made of it in his struggle for restoration to the Senate. The “Highway” seemed to render necessary the adoption by the Federal Government of a definite plan for the government of the territory traversed. Colonel Benton

therefore urged the early organization of Nebraska Territory as an indispensable means to the construction and maintenance of the Great Highway. In this he was actively seconded by the efforts of the Wyandott Indians living in Nebraska through whose lands the Highway would pass, and who were therefore deeply interested in the scheme. Benton kept these subjects so prominently before the people of Missouri in 1852-53 that upon each of them Senator Atchison had to define explicitly his position.

In 1849 Colonel Benton had introduced into the Senate a bill "to provide for the location and construction of a central national road from the Pacific Ocean to the Mississippi river, with a branch of said road to the Columbia river."⁹⁰ On the sixteenth of December, 1850, a few days before the meeting of the Legislature in which he was defeated for reëlection to the Senate, he introduced a second bill, "to provide for the location and construction of a central

⁹⁰ February 7, 1849. This bill was accompanied by a speech in which the results of Fremont's explorations were reviewed at length. The scheme for the central national highway, presented at this time, was not so elaborately worked out as the one introduced in 1850, nor was it made the object of attack and ridicule to such a degree. The bill of 1849 may be found, together with Benton's speech, in *Cong. Globe*, xx, 470, 625. The bill of 1850, with Benton's speech at that time, may be found in *Cong. Globe*, xxiii, 56, and in Connelley's *Prov. Gov.*, 88 ff. Neither bill came to a final vote.

The idea of a railroad to the Pacific did not of course originate with Benton. Before the introduction of his second bill, there had appeared in print: Loughborough's *The Pacific Telegraph and Railway* (St. Louis, 1849), Asa Whitney's *Project for a Railroad to the Pacific* (N. Y., 1849), and Peyton's *Suggestions on Railroad Communication with the Pacific and the Trade of the Indian Islands*. See also Professor Turner's essay on "The Significance of the Frontier in American History," in *Am. Hist. Assn. Report*, 1893, 294 n; and J. P. Davis's *History of the Union Pacific Railroad*.

national highway from the Mississippi river, at St. Louis, to the Bay of San Francisco, on the Pacific ocean."

For the next two years there is no evidence that Colonel Benton displayed any active interest in the railway measure by pressing it upon either the attention of Congress or the country. Consequently when he began an active championship of that project and of the Nebraska territorial measure late in 1852 and continued to make them the leading issues of the campaign of 1853, it afforded his enemies an opportunity to allege that the advocacy of these projects grew out of his political necessities in 1849-50, and that they were now revived merely for electioneering purposes. During his thirty years of service in the Senate, it was pointed out, Colonel Benton had never manifested any special interest in these subjects until his term was about to expire. His ostentatious devotion to these measures in 1853 was accordingly ridiculed and denounced by Atchison and his supporters as devoid of all sincerity and as a purely demagogical bid for popularity in Missouri.⁹¹

⁹¹ In speeches delivered at Weston and Platte City in June, 1853, Senator Atchison made the following ironical allusion to Benton's project:

"In 1850 he [Colonel Benton] introduced his bill to construct a railroad from St. Louis to San Francisco, said road to be a mile wide for the distance of two thousand miles, almost as much territory as is comprised in some of the States of the Union, reserved and set aside for roads, a railroad with double tracks, a turnpike road, a dirt road and a line of telegraph. Magnificent was it not? But this was not all. When the roads are completed one of the highest and most solid peaks of the Rocky Mountains is to be cut into a statue of Christopher Columbus with an arm outstretched and upon it to be inscribed 'The Road to India'; and but for the *modesty* of the Old Statesman, another peak would be selected

It was an important part of Colonel Benton's plan of campaign in 1853 so to associate the organization of Nebraska Territory and the construction of the railroad to the Pacific from St. Louis across the State of Missouri, that the people of that State would regard the territorial government as indispensable to the success of the railway, and in the success of the railway every Missourian felt a direct interest.⁹²

Perhaps the first public utterance in which the construction of the railroad to the Pacific and the organization of a territorial government in Nebraska are coupled is to be found in the report of a speech delivered by Colonel Benton at Jackson in Cape Girardeau county, Missouri, late in October, 1852.⁹³ In this speech Colonel Benton had much to say about the railroad, and in that connection occurs this passage:

"Connected with this road, necessary to its construction and preservation and indispensable to the approximation of our populations, is the establishment of the new territory on the Kansas

and a statue sculptured of the great man who by his genius and exertions consummated what the mind of Columbus had conceived.

"The bill was introduced at the session of 1850-51, when our old and distinguished statesman's senatorial career was about to close. A road one mile wide and two thousand miles long, to be constructed at an expense of from one hundred to two hundred million dollars, without examination or survey. As to the survey, however, we are told that those primitive engineers the *Buffaloes* had surveyed the route; and upon this *Buffalo information* thus imparted Congress was expected to act!" — Reported in the *Missouri Republican*, June 22, 1853. See also the *Western Eagle*, Aug. 17, 1849.

⁹² See the remarks of Hon. J. W. Lindley in the House, *Cong. Globe*, xxii, 797, quoted later in this chapter.

⁹³ Delivered Oct. 30, 1852, and reported in the *Jefferson Inquirer*, Nov. 6, 1852.

river extending north and south to the Platte and Arkansas, and west to the boundary lines of New Mexico and Utah. It is a fine country . . . in the healthy and genial climate of 38° and 39°, and now roamed over by a few unsettled Indians who would be benefited by being reduced to small bands, supplied with stock animals and taught agriculture and the rudiments of civilization. Continuity of settlement, and of jurisdiction, consolidation of our power from Missouri to California, filling up a blank which now exists in our western territory, putting law and civilization into communication across the continent and through its center, making travelling safe, direct and speedy and cheap between the remote parts of our extended dominions; such are the powerful national reasons for the immediate and indispensable establishment of the Kansas Territory."

The second session of the 32d Congress had scarcely adjourned in March, 1853, when Colonel Benton issued a letter of great length addressed to the people of Missouri, and intended for publication, in which he took up anew and with characteristic vigor the agitation of the Central National Highway scheme, and emphasized the establishment of a territorial government in Nebraska as a means which would facilitate the construction of the Great Highway.⁹⁴

In the following May, he wrote a letter to the citizens of Cole county, Missouri,⁹⁵ in which he again took pains to make clear the intimate connection between the establishment of a territorial government in Nebraska and the "location, construction and support of the great central railroad."

Colonel Benton did not stop here, but grossly

⁹⁴ The letter appeared in the *National Intelligencer*, June 7, 1853.

⁹⁵ Dated May 3, 1853; in the *Jefferson Inquirer*, June 6, 1853, and quoted in Chapter IV.

misrepresented Atchison as not only not favoring the railroad, but as being actively hostile to it; and also as being opposed to the organization of a territorial government, and therefore as acting in opposition to the most important interests of his constituents.

To these misrepresentations, Senator Atchison replied in speeches delivered at Weston and Platte City in June, 1853,⁹⁶ and later at Parkville,⁹⁷ and Fayette,⁹⁸ explaining his position "without reserve or disguise." Appealing to his record in Congress, he pointed out that in 1850, two days after Colonel Benton had introduced his bill for the Great National Highway, he himself had introduced a bill granting to Missouri the right of way and a portion of the public lands for the purpose of aiding in the construction of a railroad from St. Louis to the western limits of the State. He had also at previous sessions introduced into the Senate a bill to grant the right of way and a portion of the public lands to assist in the construction of a railroad from Hannibal to St. Joseph. These bills ultimately became laws. The sole credit for the passage of these measures Atchison did not claim for himself.⁹⁹ He was willing to share it with his colleagues and they with him. But he was careful to point out that those bills became "the laws

⁹⁶ The speeches at Weston and Platte City, June 6 and 11, are reported in the *Missouri Republican*, June 22, 1853.

⁹⁷ Aug. 8, 1853. Reported in the *Missouri Republican*, Aug. 31, 1853.

⁹⁸ Early in November, 1853. Reported in the *Jefferson Inquirer*, Nov. 14, 1853.

⁹⁹ For evidence of Atchison's activity in procuring land grants in aid of Missouri railroads, see *Cong. Globe*, xxiii, 23, 35, 56, 78, 133, 215, 459, 476, 624, 661.

of the land *since* the exodus of the 'Old Senator' from that chamber which he so beautifully adorned for thirty years." Senator Atchison then went on to explain the importance of this legislation and his own attitude toward a railroad to the Pacific:

"The land obtained by these measures will assist in the construction of two roads from the Mississippi, both pointing to the Pacific Ocean, either of them long links in the chain of railroads yet to be constructed. . . . Who does not perceive and is not willing to admit that the grant of lands thus obtained will facilitate, expedite and *certainly insure*, the speedy completion of the Hannibal and St. Joseph railroad, the Pacific railroad from St. Louis to Kansas, as well as the southwestern branch of the same, terminating in a section of the State rich in resources hitherto undeveloped. Missouri will then occupy the enviable position of being able to offer to the United States three frontier starting points for the Pacific railroad, an offer which cannot be made by any other State in the Union.

"The construction of these roads through Missouri will obviate a constitutional objection, entertained by many as to the power of Congress to build works of this sort through the State. In obtaining these *grants of land* the first *link* toward connecting by railroad the valley of the Mississippi with the Pacific, was heated, formed and welded, and if ever the connection is made, (and I doubt not it will be) and either of the points upon our western border be made the starting point, it will be because this link has been made. In making this Colonel Benton had no agency, he being present neither at the heating, forming, welding or completion of it. . . . ¹⁰⁰

¹⁰⁰ This speech included the following caustic reference to Colonel Benton: "Now fellow citizens, I will close my remarks upon the subject of the Nebraska Territory and the Road to India by saying that I sincerely believe the greatest obstacles to the success of both these measures are the position of our Old Senator and the Old Senator himself, with his arrogant dogmatism, and self-sufficiency. Humbuggery will defeat those measures if *anything* can. His motives spring not from a desire for the public good; he imagines that he is now astride of two popular hobbies and he will

"I will now give you briefly my opinion of the railroad to connect the valley of the Mississippi river with the Pacific coast. I am in favor of the construction of such a road by the General Government for that purpose. I will vote to appropriate land and money. I believe it absolutely necessary for the preservation of the integrity of this Union. . . . As to where it shall commence or where it shall end, that is a matter to be determined when the surveys and operations now in progress shall be completed, and the route it must take between the termini is entirely dependent upon these surveys. We may bluster about a northern, a southern and a central route; but it all amounts to nothing; nothing but the actual surveys can determine it. . . . I have been represented by my enemies as being opposed to the whole measure. Then again I have been represented as being in favor of a southern route commencing at Galveston, Texas, running by El Paso; at another time in favor of one commencing at Memphis and running through Arkansas, Texas, and so forth,

ride them without mercy. He announces himself a candidate for the Senate in 1855 to take my place; and upon these hobbies he wishes to ride into office. . . . Do you know gentlemen, that Benton has been from his arrogance and tyrannical bearing in the Senate considered a nuisance by his colleagues in that body? . . . Now gentlemen, Colonel Benton has but little influence with a Democratic Administration. He deserves none. The Colonel is very well understood everywhere but at home. The Democrats out of the State of Missouri do not recognize him as one of them. The Whigs know him not. Both these parties look upon him as an *outsider*. The abolitionists and freesoilers, however, recognize him as one of their most distinguished leaders, and verily they are not mistaken in the man. He has done more for their cause than one hundred Garrisons, Hales, Chases or Seward. . . ."

On May 29, Senator Atchison wrote as follows to Judge S. Treat:

"I will speak to the *whole State*, from the court house in this town [Platte City] on Monday next, and from the church in Weston on Saturday week. My theme will be 'Nebraska' & the 'road to India.' I will dwell a short time upon the reply to the Holly letter.

"Of all the humbugs the old sinner [Benton] has ever mounted, of all the lame, blind, windbroken, & spavined hobbies, the old villain ever bestrode, he has now mounted the most shabby, his 'sitting astraddle of the big gun when it bursted' [on board the man-of-war, "Princeton"] was nothing to it." This letter is reprinted in Mo. Hist. Soc. *Proc.*, ii, 90.

and of any route that would be most inconvenient and prejudicial to the interests of Missouri. Now the man who originated these charges and those who publish them know that they (I will not say lie) have 'said the thing that is not so.' It is false on its face. I am and have been a citizen of this State more than half my years. All the interest I have on earth is here. You know it and you scorn the men who conceived, uttered and published the falsehood. . . .

"But, fellow citizens, Colonel Benton says that the road to the Pacific must commence at Kansas and run through a pass in the Rocky Mountains, the pass of which Leroux and Fremont speak, and through which Beal is to travel on his way to California, and nowhere else, and Benton and Benton men put me down against it 'because of my dislike of Colonel Benton.' Now I do not love Benton; that is well known. But if his route should prove a route at all and is the cheapest and best route and most to the interest of Missouri, I will vote for and sustain that route. But, fellow citizens, I doubt very much whether the Congress of the United States can agree on the exact point of beginning or end of this railroad or the course it shall pursue between the termini. . . . There is no doubt in my mind that a large majority of Congress and the people of the United States are in favor of the construction of a railroad. Colonel Benton and his friends will have it that Atchison, Phelps, etc., are opposed to the Great Road to India. It was proposed at the last session of Congress by amendments offered to Gwin's bill to commence the road at Galveston, Vicksburg and Memphis. All such propositions were voted down by large majorities. It was proposed by Mr. Chase of Ohio to commence the road at a point between the southwest corner of Missouri and the Council Bluffs. This proposition was withdrawn. My opinion is that this matter of the termini and the route of the road will of necessity be left to the discretion of the President, and there I am willing to leave it. General Pierce has no personal interest in it. He represents no local interest but the whole Union is in his keeping. So much for the railroad."

One important result of the prominence given

to the subject of a railroad from the Mississippi to the Pacific in 1852-53 was to reawaken interest in Nebraska Territory and to impress upon the people of Missouri and Iowa and the Wyandott Indians in Nebraska the necessity of establishing a territorial government over the possible route, not only for the protection of the railroad but also for the validation of land titles and for the promotion of settlement along its route.

We therefore discover the final movement for the organization of Nebraska Territory springing up during the summer of 1852¹⁰¹ in two different quarters — among the Missouri frontiersmen and among the Wyandott Indians in Nebraska. Apparently these movements had no connection at the beginning save the common stimulus furnished by the railroad agitation. But, though local in character and representing local interests, they became within a year very closely related to each other and also related to the political fortunes of Benton and Atchison during the internecine political war in Missouri described in the preceding chapter, and therefore they constitute a part of the story of the repeal of the Missouri Compromise.

On the seventeenth of June, 1852, the citizens of Parkville, Platte county, on the western border of Missouri, convened in public meeting "for the purpose of considering the propriety of petitioning Congress for the organization of the Territory of Nebras-

¹⁰¹ In December, 1851, Hon. Willard P. Hall had introduced into the House his abortive bill for the organization of the Territory of "Platte;" *Cong. Globe*, xxiv, Pt. i, 80. Mr. Hall resided at St. Joseph, Buchanan County, Missouri, in the western part of the State.

ka, and for the immediate settlement of lands lying therein" from which the Indian title had been extinguished. After free discussion a resolution was "unanimously adopted as expressive of the sense of the meeting," petitioning Congress for "the immediate organization of the Territory of Nebraska," and for the right of settlement therein as soon as the Indian titles should be extinguished.¹⁰²

¹⁰² I am indebted to William M. Paxton, Esq., of Platte City, Mo., for the loan of the *Weekly Platte Argus* which gives an account of this Parkville meeting in its issue of June 25, 1852. The preamble and resolutions were as follows:

"Whereas the limits of the United States have been extended to the shores of the Pacific Ocean, and Oregon, California, Utah and New Mexico have been constituted a part of this Union; and Whereas, That the Territory of Nebraska has been made the connecting section, and left as an open space between the two flanks of civilization, it has become the true policy of the Government of the United States that this space should be closed up; and Whereas, That the Territory of Nebraska is now being annually traversed by many thousands of the citizens of the United States who emigrate from the States of the Atlantic to the Pacific shores, and the roads of the emigrants leading through the Territory are over lands of great fertility, and which are well suited for settlement and cultivation, but which, under existing circumstances, are withheld from settlement and cultivation, and allowed to present to the emigrants who wend their way through them, only the face of dreariness and waste, a country that produces nothing for the support of men; and Whereas, That the roads of the emigrants stretch over the uncultivated lands of the Territory of Nebraska for the distance of five or six hundred miles, which they are compelled to traverse, with no laws to protect their persons or property from aggressions, no inns or taverns to afford them shelter or food, no persons to furnish them with forage or provisions, no physicians to prescribe for them when attacked with disease, while they are subject to enormous tolls; and Whereas, That the Territory of Nebraska has ceased to be an available hunting ground for the Indians of the tribes and bands claiming lands therein:

"Therefore, Resolved, That the Senate and House of Representatives of the United States, be and they are hereby petitioned to provide by law for the immediate organization of the Territory of Nebraska, and for domiciling the Indians of the several tribes and bands which claim lands lying therein, upon small parcels of land to be assigned to them for

The meeting directed that a record of its proceedings be sent to the President of the United States Senate, to Senator David R. Atchison and to Hon. Willard P. Hall, of the House of Representatives, with the request to each that the record be "laid before their respective bodies."¹⁰³

Almost simultaneously with this popular movement in western Missouri there appeared a movement having a similar purpose among the Wyandott Indians.

The Wyandotts, having resided since the War of 1812 in portions of Ohio and Michigan in close contact with the whites, had, by the year 1843, be-

cultivation, and also for the immediate settlement of the lands of the Territory from which the Indian title has been extinguished by American citizens who may desire to emigrate and become inhabitants of said Territory."

Another resolution provided "That a record of the proceedings of this meeting be forwarded to the editors of each of the several newspapers printed in the counties of Platte and Clay with the request that the same be published in their respective journals."

Compare this description of conditions along the emigrant routes in Nebraska with that given by Abelard Guthrie, the Nebraska Territorial Delegate, in his letter to Hon. H. L. Dawes, July 20, 1861, to be found in Connelley's *Prov. Gov.*, 74 ff.; and with the remarks of Mr. Hall of Missouri in the House, Feb. 10, 1853, *Cong. Globe*, xxvi, 558 ff.; also with Douglas's remarks, July 8, 1852, *Cong. Globe*, xxiv, Pt. ii, 1683.

¹⁰³ These resolutions were presented to the Senate by Senator Atchison July 7, 1852; *Cong. Globe*, xxiv, Pt. ii, 1666. From Douglas's remarks in the Senate, July 13, 1852, it appears that "memorials upon memorials in piles, from all the western States" had been flowing in upon the Committee on Territories during this session of Congress—"memorials for the protection of the emigrant lines . . . between the Mississippi river and the Pacific ocean." This is given as the reason for the introduction into that session of Congress of his bill to protect the emigrant route, and to establish a mail route and a telegraph line to the Pacific coast. From his own statement at the time, "I was not ambitious to come forward with a proposition of this kind," it may be inferred that he was acting with some degree of reluctance. — *Cong. Globe*, xxiv, Pt. i, 1161, Pt. ii, 1683, Pt. iii, 1760-1761.

come quite civilized. "Families founded by white captives who had been adopted into the tribe came into the ascendancy in the affairs of the tribe."¹⁰⁴ Methodism had been introduced among them, and a permanent mission established in their midst. Even a lodge of Free Masons further testified to their progress in civilization. They had developed an organized government based upon a code of written laws, which provided for the punishment of crimes and the maintenance of social and public order.¹⁰⁵

The Ohio Wyandotts were the last of the tribes in that State to relinquish their lands, but in 1842 they ceded them to the United States, and in the following year the tribe, then numbering about seven thousand, crossed the Mississippi, carrying with them, of course, their civilized institutions. Here they purchased thirty-six sections of land from the Delawares, located in the fork of the Missouri and the Kansas rivers, and directly opposite Platte and Buchanan counties in Missouri.¹⁰⁶

Among the Wyandott Nation in 1852-53 there

¹⁰⁴ Kansas Historical Society's *Transactions*, xi, 98.

¹⁰⁵ Connelley's *Prov. Gov.*, 2-3, and Kan. Hist. Soc. *Transactions*, vi, 97 ff. See also R. E. Merwin's paper, "The Wyandott Indians," in Kan. Hist. Soc. *Trans.*, ix, 73 ff.

¹⁰⁶ Connelley's *Prov. Gov.*, 2-3. In 1855 the great majority of the Wyandotts accepted the allotment of their lands in severalty and dissolved their tribal relations. *Ibid.* "Immediately at the confluence of the Kaw [Kansas] and the Missouri lies the Wyandott reserve. It is small, extending six miles from the mouth. It is densely timbered. The tribe is not numerous, but they are comparatively civilized. They have mostly good farms and good houses for the West. They are wealthy, many of them having intermarried with the Whites." — Phillips's *Conquest of Kansas*, 12.

The following is taken from the *Iowa State Gazette* of November 9, 1853: "The editor of the Bloomington (Mo.) *Republican* lately visited

were not a few men of education and ability¹⁰⁷ who had watched closely the consideration by Congress of measures which might affect their interests. They had observed the great emigration to California in 1848-50 passing through their lands or those of neighboring tribes. They were aware of the plans then being discussed for the construction of a railroad to the Pacific along the "central" route. "To them the purpose to build this road, and the presence of the gold-hunters, was other evidence that they must

the Territory (of Nebraska) and since his return writes thus about it: ". . . The Wyandotts are all civilized and generally educated; have neat and comfortable buildings, good farms, yet not extensive, stock in abundance, and live in pure American style. While on a recent visit to Nebraska we dined at the house of a Mr. Hicks, supped and breakfasted with a Mr. Garrett, Wyandott families, and we can say truthfully that better tables are seldom found in Missouri. . . . We spent several hours with William Walker, the Provisional Governor of Nebraska. He is a man of very affable manners, and was frank and free in his communications with us. He is well educated and possesses fair talents. The Shawnees, Delawares, Kickapoos and other border tribes are partially civilized. Many of them are well educated and speak good English. We could hear of no tribes that desired to sell and leave the country. Some are for selling, reserving a preëmption right and becoming citizens. Others are for selling part, reserving the other part, ultimately intending to become citizens. In our opinion the Wyandotts, Shawnees, Delawares and Kickapoos will finally decide to adopt the first of these plans. The border tribes are very friendly and quite kind; no trouble need be apprehended with any of them, if justly treated. . . ."

¹⁰⁷ Sketches of the leading men in the Wyandott Nation at this time may be found in Connelley's *Prov. Gov.*, 5 ff.

In speaking afterwards of the plans of the radical pro-slavery party in Missouri, Judge William C. Price said:

"One of the things which proved bad for us, was the removal of the Wyandotts to the mouth of the Kansas River. It was not the intention that they should settle there. They were to have a large tract of land in Southern Kansas (what is now Southern Kansas). No one supposed that they would buy land of another tribe; such a thing had not been thought of. When they bought land of the Delawares and obtained control of the mouth of the Kansas River we were fearful that it was not for our best

soon surrender their lands. They came to the conclusion that this was inevitable. If they must sell their lands, they desired to obtain as high a price as could be procured. They came to see that the organization of Nebraska territory would enhance the value of their lands, and from thenceforth were in favor of the measure.”¹⁰⁸

In the summer or autumn of 1852 a movement began among the Wyandotts, led by “a few daring and resolute spirits,” whose avowed purpose was to force upon the attention of Congress the organization

interest; there were too many white men in the tribe. Then the tribe came recently from Ohio where there was much opposition to slavery, and where existed the most successful underground railroad for conveying slaves to Canada. Then again, this tribe had but just settled at the mouth of the Kansas River when the division of the Methodist Church into Northern and Southern parts caused almost a war between the factions of the tribe. The portion of the tribe which wished to remain with the Old Church cried out against slavery, and the question was kept in constant agitation where we most desired nothing said. When it was supposed that Nebraska Territory would be organized we were often solicited by the faction in favor of the Church, South, to take a hand, but we were averse to doing that and hoped the question would quiet down. However, it did not do so. Benton, Blair, Brown, even Phelps, encouraged its agitation. The moving spirits in the cause of the Church, North, and in condemning slavery, were J. M. Armstrong and Abelard Guthrie. Guthrie remained in Washington much of the time, as we believed then, at Benton’s expense. At any rate, it was known that he and Benton were much together; we had no doubt they acted in concert.” Reported by William E. Connelley.

¹⁰⁸ Wm. E. Connelley, in *Kan. Hist. Soc. Trans.*, vi, 100. “It was the Indians, not the indigenous, but the emigrant Indians themselves, especially the Wyandotts, that warmly favored the occupation by white people of the vacant lands and ultimate organization of the Territory. They foresaw that the pressure westward and from the Pacific slope eastward of emigration would ere long force the Government to abandon its restrictive policy. The Wyandotts and such whites as were within their tribe took the initiatory step by holding an election for a delegate to Congress in the fall of 1852. . . .”—Governor Walker’s “Notes on the Early History of Nebraska,” in Connelley’s *Prov. Gov.*, 58 ff.

of a territorial government for Nebraska.¹⁰⁹ The first definite step was the election of a "Delegate to Congress." This occurred on the twelfth of October, 1852, in the Council House of the Wyandott Nation. All the votes cast were for Mr. Abelard Guthrie, a white man who had married a Wyandott woman and later had been adopted into the tribe.¹¹⁰

Upon the twentieth of November, 1852, Guthrie set out for Washington. From Cincinnati, he wrote a

¹⁰⁹ Governor Walker's "Notes on Nebraska Territory," in Connelley's *Prov. Gov.*, 60-61. Names of Wyandott leaders are given in *Kan. Hist. Soc. Trans.*, vi, 102. In a letter dated June 26, 1856, Abelard Guthrie, the "Territorial Delegate" wrote to Hon. Israel Washburn: "Four years had elapsed since the last abortive attempt to organize a government for Nebraska, and the people of that Territory had but little reason to believe that their interests would be attended to until they sent a delegate to urge them upon the consideration of Congress. They had observed that this course had been pursued by the people of Oregon, of Utah, of New Mexico and of Minnesota, with success."

Mr. Connelley states that the Wyandotts sent a petition to the first session of the 32d Congress praying for the organization of Nebraska Territory. Connelley's *Prov. Gov.*, 102. No authority or reference is given for this statement, and I have been unable to verify it.

¹¹⁰ Speaking of this election, Governor Walker wrote: ". . . . But a serious question at hand had to be solved: Who would go, if elected, and run the risk of having to pay his own expenses to, at and from Washington, as it was extremely doubtful whether the delegate so elected would be admitted to a seat. Mr. A. G., a man of talents and some experience in public life, having 'done the State some service' in other responsible positions, offered his services and was duly elected amidst the opposition of Government officials, the military especially. There being no existing provisional government in the Territory to give official evidence to Mr. G. of his election, he took with him the poll books as *prima facie* evidence of his election." — "Notes on Nebraska Territory," in Connelley's *Prov. Gov.*, 60-61. Guthrie had first become interested in the Wyandotts while filling the office of Register of the Land Office in Upper Sandusky, Ohio, under President Tyler in 1842. He followed the Wyandotts to Nebraska in 1843. A sketch of his life and a photograph are given in Connelley's *Prov. Gov.*, 101 ff.

letter¹¹¹ to William Walker of the Wyandott Nation¹¹² which states that he had travelled from St. Louis in company with Messrs. Geyer and Atchison, the Senators from Missouri, Representative Richardson, then chairman of the House Committee on Territories, and Mr. W. H. Bissell, both of Illinois.¹¹³ The chief significance of the letter lies in the indication which it gives of the attitude of both Atchison and Benton toward the organization of Nebraska Territory more than a year before the introduction into Congress of the bill finally known as the Kansas-Nebraska bill. In view of Guthrie's interest in the matter, he would naturally seek and be entitled to know exactly how they stood upon the subject. The following passage from the letter is accordingly entitled to considerable weight:

"I am sorry to say that our Missouri Senators are by no means favorable to our Territorial projects. *The slavery question is the cause of this opposition.* I regret that it should interfere—it ought not. Mr. Atchison thinks that the slaves of Nebraska¹¹⁴ are already free by the operation of the Missouri

¹¹¹ Dated December 1, 1852. Printed in Connelley's *Prov. Gov.*, 76-77.

¹¹² William Walker was elected Provisional Governor of Nebraska Territory in 1853.

¹¹³ "Colonel Bissell took great interest in the Missouri conflict and was constantly in correspondence with the leaders . . . [Benton, Blair, and Brown] and at times met them in consultation. No man in Illinois was held in higher estimation by the early workers for Free Soil in Missouri than Colonel Bissell."—Charles P. Johnson's "Personal Recollections of Some Eminent Statesmen and Lawyers of Illinois," in Illinois State Historical Library's *Publications*, No. 9, 47.

¹¹⁴ The following occurs in Phillips's *Conquest of Kansas* (1856), 16-17:

"But even while Kansas was guaranteed to freedom, slavery was introduced. Nearly all of the Indian agents were slavery propagandists, and many of them owned slaves. The first slavery in the Territory, however,

Compromise, and asks the repeal of that act before anything shall be done for Nebraska; this would put us back till doomsday for no Congress as our Government now stands will ever repeal that act. But for myself I do not consider it binding upon the people in moulding their state institutions. However, since the South take a different view of it, we must fight it out. I foresee the struggle will be a fierce one but it will be short and therefore not dangerous. I did not expect to accomplish this object without trouble; and I feel prepared for it. One incentive to determined perseverance is the fact that I beat Bannow at his own election, so Mr. Atchison informs me.¹¹⁵ I shall certainly endeavor to merit the good opinion my friends have formed of me. I am full of hope and confidence as I have been from the start. I called to see Col. Benton but he had gone to Washington. *This is fortunate, for he is our friend and can do us great service.*¹¹⁶ *The measure will succeed, short as the time is, and with an opposition where we ought to have support. . . .*"¹¹⁷

Guthrie arrived in Washington December 5,

was introduced by one who came professedly to preach the Gospel. . . . The Reverend Thomas Johnson . . . is said to have first introduced slavery into Kansas. He introduced and held slaves at the time when the existence of the restriction rendered it a violation of the spirit of the temporal law."

¹¹⁵ Referring to this election, Mr. Guthrie said: "At Fort Leavenworth . . . (where the largest body of citizens resided) the officer in command of the post [Col. T. T. Fauntleroy] forbade an election. Subsequently, however, certain persons proposed holding another election, to overturn the first. This election was held at Fort Leavenworth (the commanding officer having abandoned his opposition), and resulted in a large majority for me, I think, 54 to 16." According to Mr. Connelley, this second election in which Mr. Bannow (or Barrow) ran against Guthrie, was at the suggestion of Senator Atchison; *Kan. Hist. Soc. Trans.*, vi, 102.

¹¹⁶ To this point the italics are mine; those that follow are Guthrie's.

¹¹⁷ Referring to Mr. Guthrie's services in connection with the establishment of a territorial government in Nebraska, Mr. Connelley says: "All the evidence I have been able to obtain and examine shows that he was acting with, and largely for, Senator Thomas H. Benton of Missouri, although he says that the idea was his own and that 'solitary and alone' he undertook this work. . . ." — *Prov. Gov.*, 101.

1852, the day before Congress opened.¹¹⁸ Evidently at first he experienced up-hill work in pressing the claims of Nebraska upon members of Congress, for we find him writing again to Walker on the ninth of December:¹¹⁹

“ There is no business which tries a man's patience and good nature so much as trying to do business with men who feel that their self-interests are not intimately connected with your projects. . . . I have ascertained almost to a certainty that I shall not get my seat. But that is a small matter. I never expected it and am not disappointed, but my faith is still strong that much will be effected.”

There were causes for hope rather than discouragement:

“Mr. Hall has proposed a bill organizing one Territory, he has given it the name of *Platte*; which I don't like but don't care much about the name though I shall try to have the old name retained. His bill has not yet been introduced but it is all ready and I think will be presented next week; if not another will be introduced by the Committee on Territories. The Chairman [Richardson] of that Committee has given me assurances to that effect. Mr. Hall's bill says nothing about slavery but leaves untouched the Missouri Compromise. The Territory it is pretty confidently believed will be free.”

He then speaks of a measure which actually passed that session of Congress and prepared the way for the organization of the territorial government:¹²⁰

“Another measure highly beneficial to our interest will be the

¹¹⁸ Connelley's *Prov. Gov.*, 79, 81.

¹¹⁹ This letter may also be found in Connelley's *Prov. Gov.*, 78-79.

¹²⁰ This was introduced by J. S. Phelps, a Representative from Missouri, as an amendment to the Indian Appropriation bill, February 24, 1853; *Cong. Globe*, xxvi, 825. The Act, approved, may be found in *Cong. Globe*, xxvii, 359.

appropriation of one hundred thousand dollars to enable the President to negotiate with the different tribes for their surplus lands and other purposes. You will therefore have commissioners authorized to treat early in the spring. This is important and you may regard it as a 'fixed fact.'"

True to his expectation, Mr. Guthrie witnessed the next week the introduction by Mr. Hall of the bill mentioned in the letter to Walker, and its reference to the Committee on Territories.¹²¹

Four days after the introduction and reference of Mr. Hall's bill, Mr. Phelps of Missouri presented the memorial of Mr. Guthrie asking to be admitted to a seat on the floor of the House as a "Territorial Delegate." The memorial was referred to the Committee on Elections¹²² and "a report was made thereon and ordered to be printed, but no further action was had upon it." "As was feared," to quote William Walker, "he was not admitted to a seat in the House, though his election was admitted, yet he did good service 'on his own charges' in the character of a 'lobby member.'"¹²³

On the second of February, 1853, Mr. Richardson, for the Committee on Territories, reported Hall's bill with amendments, which after considerable debate passed the House on the tenth of February, by a vote of 98 to 43.¹²⁴

¹²¹ December 13, 1852; *Cong. Globe*, xxvi, 47.

¹²² December 17, 1852; *Cong. Globe*, xxvi, 85, 1127. "Report of House Committee on Elections," April 3, 1862, in Connelley's *Prov. Gov.*, 67 ff; *House Journal*, 2d Sess., 32d Cong., 50.

¹²³ Walker's "Notes on the Early History of Nebraska," in Connelley's *Prov. Gov.*, 58 ff.

¹²⁴ *Cong. Globe*, xxvi, 558 ff. Before leaving this part of our subject, it may be well to give a few more facts regarding Guthrie. In 1854 and

The principal participants in this debate were Houston of Alabama, Brooks of New York, and Howard of Texas, in opposition to the bill; and Hall of Missouri defending and supporting it. The re-

1856 Guthrie submitted to the House memorials asking for the passage of an act whereby he should receive mileage and per diem for the period during which he acted as "Territorial Delegate."—*House Journal*, 1st Sess., 33d Cong., 170, 408, 615; *ibid.*, 1st Sess., 34th Congress, Pt. ii, 1342; *House Reports*, 1st Sess., 34th Cong., No. 257.

The matter dragged along until 1862 when the House Committee on Elections, to which the memorial had been referred, reported favorably to Guthrie's claim, citing as precedents the case of similar "Delegates" from New Mexico and Utah. In Mr. Connelley's *Provisional Government* are reprinted the letters written by Guthrie to Hon. Israel Washburn, and Hon. Henry L. Dawes, chairmen at different times of the House Committee on Elections while Guthrie's claim was pending, and also the final report of the Committee, just mentioned.—*House Reports*, 2d Session, 37th Congress, No. 67. These letters are designed to prove particularly the propriety and necessity which existed in 1852-53 of the establishment of a territorial government and the sending of a delegate to Congress. They incidentally show something of Guthrie's activity, although perhaps in a somewhat exaggerated degree, but they do not throw much light upon the connection of Benton and Atchison with the project.

In view of what Judge Price said about the Wyandotts and Guthrie, it may be well to quote here a few closing sentences from Guthrie's letter to Mr. Dawes, dated, Washington, July 21, 1861:

"Allow me also, if you please, to submit the following propositions:

"If your Committee have any sufficient evidence or can procure any, that it was the intention of the party then [1853-54] in power, or any other party, to organize this Territory within any reasonable or definite period, I will abandon my claim.

"If the Committee have any sufficient evidence, or can procure any, that there was any other course as likely to succeed in securing an organization as that of sending to Congress a man acquainted with the conditions, wants, soil, climate and resources of the Territory, I will give up my claim. . . .

"If the Committee have any sufficient evidence, or can obtain any, that this Territory would not eventually have been received into the Union as a slave State under the skillful management and well-matured plans of Southern Statesmen and their Northern friends, I will abandon my claim. . . .

"If the Committee have any evidence, or can get any, that my movement for a government did not frustrate this design, I will abandon my claim. . . ."

Connelley's *Prov. Gov.*, 74 ff.

marks of the two last-named, were more extended than those of any other speakers. The main objection raised to the bill was that the erection of a territorial government around the various Indian tribes in the Nebraska country would constitute a violation of existing treaty stipulations with those tribes.

The only allusion to the subject of slavery in the course of this debate was the brief and oft-quoted colloquy between Giddings of Ohio and Howe of Pennsylvania. The latter inquired of Mr. Giddings, who was a member of the Committee on Territories reporting the bill, why there was no clause in the bill prohibiting slavery in the new Territory. Mr. Giddings replied in effect that the Missouri Compromise restriction applied to all of that region. Thereupon Mr. Howe made the rejoinder: "I should like to know of the gentleman from Ohio, if he has not some recollection of a compromise made since then." To which Mr. Giddings answered, "That does not affect this question." The inference always drawn from the incident is that Mr. Howe, and perhaps other persons, had conceived that in some way or other the Missouri Compromise prohibition had been impaired by the compromise measures of 1850.¹²⁵

A week after the bill passed the House, Senator

¹²⁵ *Cong. Globe*, xxvi, 558 ff. There is considerable evidence tending to prove that the extremists in the South took it for granted that the Missouri Compromise was repealed by the Compromise of 1850. This would go far toward explaining the very general apathy and indifference to the Repeal while the Kansas-Nebraska bill was pending in Congress which is revealed by an examination of the leading southern newspapers. See an editorial in the *New York Tribune*, December 14, 1853; and an editorial in the *St. Louis Intelligencer*, November 10, 1850, quoted in Chapter VI, note 268.

Douglas reported it to the Senate without amendment, and on the last day of the session, he moved to take it up for consideration. Objection was at once made by Mr. Rusk of Texas, and Mr. Adams of Mississippi immediately raised the question regarding Indian rights which had been threshed over in the House. The Senate refused to consider the bill.

It is worth while digressing at this point to bring out the striking contrast to the activity of Missourians, Iowans and Wyandotts in promoting the organization of Nebraska Territory presented by the inaction of Senator Douglas. Mr. Douglas's connection with the Nebraska bill in March, 1853, just mentioned, is the first indication of any interest on his part in Nebraska since December, 1848. Yet he had the assurance to say in the Senate on this occasion:¹²⁶

"I must remind my friend from Mississippi [Mr. Adams] that eight years ago, when he and I were members of the House of Representatives, I was then pressing the Nebraska bill, and that I have ever since been pressing it. I have tried to get it through for eight long years. . . ."

This statement is the basis for the widely current, but erroneous, opinion that the organization of a territorial government in Nebraska had been a pet measure with Mr. Douglas for nearly a decade before the repeal of the Missouri Compromise. An examination of the sources justifies the statement that Mr. Douglas's efforts in this direction have been very greatly exaggerated. Whatever efforts Mr. Douglas may have put forth between 1848 and 1853

¹²⁶ *Cong. Globe*, xxvi, 1117; see also Douglas's speech at Chicago, November 9, 1854, and Cutts's *Const. and Party Questions*, 87.

in the interest of Nebraska appear to have been limited to private interviews and to the sessions of the Committee on Territories, of which we have no record. The indexes of the *Congressional Globe* and of the House and Senate *Journals* fail to disclose the introduction by him of any Nebraska territorial bill after the year 1848 until he reported the Kansas-Nebraska bill in January, 1854. After December, 1848, there ensued on his part more than four years of silence upon the subject of Nebraska Territory. On the other hand, other members of Congress had been manifesting in the interim a degree of interest quite in contrast to that of Mr. Douglas. Let us take up in order the various Nebraska bills which came before Congress prior to 1854 and see the occasion of their introduction and who had been their promoters.

The original suggestion of a territorial government for the Nebraska country appeared in the annual report of Hon. William Wilkins, Secretary of War under President Tyler, dated November 30, 1844.¹²⁷ After referring to the explorations of Lieutenant Fremont and of the reluctance of Congress to organize a territorial government over the Oregon country owing to the conflicting claims of England, the Secretary goes on to recommend the organization of a territorial government in the region east of the Rocky Mountains, to be called Nebraska Territory, "in connection with, and preliminary to, the extension

¹²⁷ This report may be found in full in *House Executive Documents*, 2d Sess., 28th Cong., i, 124 ff.

in that direction of our military posts."¹²⁸ The first suggestion, therefore, of a territorial government for Nebraska was made with a view to strengthen our claim upon the Oregon region and to obtain a foothold upon the Pacific coast, but it did not originate with the Senator from Illinois. Indeed, it appears to have been this recommendation which first suggested to Mr. Douglas the idea of a territorial government in Nebraska and which led him to introduce his first Nebraska bill in December, 1844.¹²⁹

¹²⁸ "Although," to use the Secretary's own words, "the number of inhabitants engaged in agriculture and other pursuits within those limits do not afford an amount of population at all adequate, at present, to the formation of a full and complete territorial government; yet such an inchoate or preliminary organization might be now adopted, as would be necessary to extend the control and authority of the general government, and to throw its protection around our emigrants to Oregon, in their passage through this country." In support of his recommendation, the Secretary then proceeds to argue that "A territorial organization of the country, and a military force placed on the very summit whence flow all the great streams of the North American continent, either into the Gulf of Mexico or the Pacific Ocean, would not longer leave our title to the Oregon territory a barren or untenable claim. Its possession and occupancy would thenceforth not depend upon the naval superiority on the Pacific Ocean. Troops and supplies from the projected Nebraska Territory would be able to contend for its possession with any force coming from the sea. Natural obstructions in the navigation of the Columbia river would enable settlements gradually to approach the coast in defiance (if it should come to that) of any navy in the world. The time, indeed, might not be distant when these very settlements would supply all the elements which might be needed, of naval strength, to give us our natural and proper position on the Pacific Ocean." The military side of this suggestion may be traced back through the messages of President Tyler, dated, December, 1843, and December 6, 1842. See Richardson's *Messages and Papers of the Presidents*, iv, 196, 258, 337.

¹²⁹ Following close upon the report of the Secretary of War, Mr. Douglas, then serving his first term in the House, gave notice of a bill to establish a territorial government in Nebraska. Five days thereafter he introduced a bill for the establishment of a territorial government along the lines suggested by the Secretary of War. (December 11 and 16,

After a silence of nearly four years, so far as the official record shows, the second Nebraska territorial bill was introduced by Mr. Douglas, who was then serving his first term as Senator, in March, 1848. The bill was referred to the Committee on Territories, reported back on the twentieth of April, and made a special order for the twenty-sixth.¹³⁰ It has been impossible to discover that any further action was had upon the bill. It is also impossible to state positively what led Mr. Douglas to introduce it. It is highly probable, however, that the impulse came from the State of Missouri. The *Journal* of the House of Representatives discloses the fact that three months before Mr. Douglas introduced his second bill, a memorial from the Legislature of the State of Missouri on the subject of the organization of a territory west of that State was presented to the House by Hon. J. S. Phelps of Missouri.¹³¹ A few weeks later, Mr. Atchison of Missouri, presented the same memorial in the Senate.¹³² The memorial argued, in brief, that on the

1844.) On the seventh of January, 1845, an amendatory bill was reported back to the House by Hon. Aaron V. Brown, of Tennessee, for the Committee on Territories. This bill was referred to the Committee of the whole House, and was never again called up.—*Cong. Globe*, xiv, 21, 41, 165, 173. Connelley's *Prov. Gov.*, 22.

¹³⁰ *Cong. Globe*, xviii, 467, 656, 685. Connelley's *Prov. Gov.*, 22.

¹³¹ December 20, 1847. *House Journal*, 1st Sess., 30th Cong., 120. For the legislative history of this memorial, see Missouri *House Journal*, 1846-47, 428, 461, 476, 488, 492, 495; and Missouri *Senate Journal*, 1846-47, 460.

¹³² January 31, 1848. *Senate Journal*, 1st Sess., 30th Cong., 141. In each House the memorial was referred to the Committee on Territories. The memorial had been introduced into the Missouri House by Mr. N. B. Holden; it passed without serious opposition, and was approved on the

west of Iowa, Missouri, Louisiana and Arkansas, there lay a territory of unrivaled fertility, amply sufficient for the formation of five large States, but then in the possession of a mere handful of Indians. The memorial, without mentioning the subject of slavery, urged the extinguishment of Indian titles, and the organization of a territorial government, especially for the region directly west of Missouri.

At the opening of the next session of Congress,¹³³ Mr. Douglas gave notice of a new Nebraska bill, and also notice of bills for the organization of territorial governments in Minnesota and New Mexico, all of which were introduced by him on the twentieth of December, 1848, and referred to the Committee on Territories of which he was the chairman. Upon the Nebraska bill no further action was had. The only importance attaching to this third bill introduced by Mr. Douglas within a period of four years consists in the fact that it was the last Nebraska bill introduced by him until he reported the substitute bill of the twenty-third of January, 1854, repealing the Missouri Compromise.¹³⁴

During the three years from December, 1848 to December, 1851, the official records of Congress con-

sixteenth of February, 1847. See the *Missouri Republican*, October 26, 1853.

¹³³ December 4, 1848; *Cong. Globe*, xx, 1, 68.

¹³⁴ Douglas's apparent lack of genuine interest in Nebraska is the more surprising in view of the fact that in the first session of the 32d Congress several petitions from inhabitants of the States of Illinois and Indiana for the organization of Nebraska Territory were presented to the Senate, some of them by Mr. Douglas himself, and referred to the Committee on Territories.—*Senate Journal*, 190, 330, 345, 478; see also note 103.

tain no reference to Nebraska territorial government, and when the silence is finally broken it is not by any movement on the part of the Illinois Senator but again by a Representative from the State of Missouri. On the eleventh of December, 1851, Hon. Willard P. Hall, a supporter of Atchison, who resided on the western frontier of Missouri, gave notice of a bill to organize the Territory of *Platte* which included the region later embraced by the terms of the Kansas-Nebraska bill.¹³⁵ Later in the same session,¹³⁶ Hon. David R. Atchison, Senator from Missouri, presented to the Senate the resolutions and proceedings of the Parkville meeting, already mentioned, urging upon Congress the early organization of a territorial government in Nebraska.

Early in the second session of the 32d Congress, which met in December, 1852, we find Mr. Hall of Missouri again introducing substantially the bill of the year previous with the name of the proposed Territory changed from *Platte* to *Nebraska*.¹³⁷ This bill, as we have seen, passed the House early in 1853 and failed in the Senate only by being postponed to the last crowded days of the session. Even before this bill had passed the House, Senator A. C. Dodge of Iowa had introduced in the Senate a resolution actually instructing the Committee on Territories of which Mr. Douglas was chairman, "to in-

¹³⁵ *Cong. Globe*, xxiv, Pt. i, 80. This notice is all that I have been able to discover relating to the legislative history of this bill. No action was had upon it.

¹³⁶ July 7, 1852; *Cong. Globe*, xxiv, Pt. ii, 1666. *Senate Journal*, 1st Sess., 32d Cong., 509, 573.

¹³⁷ December 13, 1852; *Cong. Globe*, xxvi, 47.

quire into the expediency of a territorial government for the country west of Iowa and Missouri and east of Utah, commonly called Nebraska." The resolution, after consideration by unanimous consent, was agreed to.¹³⁸

It is also highly significant that the original of the Kansas-Nebraska bill in the 33d Congress was not introduced by the chairman of the Committee on Territories, who only nine months before had had the assurance to declare that he had been trying for eight long years to get such a measure through Congress. Senator Dodge of Iowa introduced the Nebraska bill which in the hands of Mr. Douglas finally developed into the Kansas-Nebraska Act.¹³⁹ In the House a similar Nebraska bill was introduced by another Representative from Missouri, Hon. J. G. Miller.¹⁴⁰

These facts connected with the origination of Nebraska territorial bills are significant because they show, in the first place, that the chief interest appearing in Congress relative to this topic between December, 1848, and January, 1854, is not displayed by the chairman of the Senate Committee on Territories or by any other member of that Committee; and, in the second place, all the congressional interest in the subject seems to come from the two States of Iowa¹⁴¹ and Missouri where, as has been shown, a consid-

¹³⁸ January 17, 1853; *Senate Journal*, 2d Sess., 32d Cong., 101.

¹³⁹ *Cong. Globe*, xxviii, Pt. i, 1, 44.

¹⁴⁰ *Ibid.*, 115, 127.

¹⁴¹ Additional evidence of Iowa's interest in Nebraska as reflected in the *Congressional Globe* is given in Chapter VI.

erable degree of local interest in the subject had been aroused by the Pacific railway agitation.¹⁴²

This local interest peculiar to Missouri is also reflected in the debates on the Nebraska bills in the 32d and 33d Congresses. "Perhaps," said Mr. Atchison in March, 1853, "there is not a State in the Union more deeply interested in this question than the State of Missouri."¹⁴³

"If not the largest," he continued, "I will say the best portion of that territory, perhaps the only portion of it that in half a century will become a State, lies immediately west of the State of Missouri. It is only a question of time whether we will organize the territory at this session of Congress, or whether we will do it at the next session. . . ."

During the debate upon the Kansas-Nebraska bill, Hon. J. W. Lindley, a Representative from Missouri, said:¹⁴⁴

" . . . I regard it as a matter of the utmost importance to the people of Missouri that these Territories should be organized at the earliest possible moment. An organization must be had before they can be peopled, and the settlement of these territories must precede that great enterprise of the age, the Pacific railroad. The Hannibal and St. Joseph road is now in process of construction, and the right of way is asked to extend it west of Missouri. In my opinion the Pacific road must connect with this road at its western terminus, and thus, through the very heart of my district — through the rich agricultural counties of Livingston, Linn, Macon, and Shelby — will pass the great national thorough-

¹⁴² One is therefore justified in dismissing Senator Douglas's statement as simply an illustration of the common disposition among politicians to "claim everything" in sight.

¹⁴³ *Cong. Globe*, xxvi, 1111 ff. Unless something has been overlooked unintentionally, the statements in Congress by members from the States of Iowa and Missouri are the only ones tending to establish the existence of a strong local interest in the creation of Nebraska Territory.

¹⁴⁴ *Cong. Globe*, xxxi, 797. The italics are mine.

fare uniting the Atlantic with the Pacific, connecting Europe with India."

Returning now to the attitude of Missouri politicians toward the Nebraska territorial movement which Colonel Benton and the Wyandotts resuscitated in 1852-53, we have seen that Senator Atchison, in conversation with Mr. Guthrie, had been outspoken in his opposition to the territorial scheme, avowedly because of the prohibition of slavery in the proposed Territory. But during the winter of 1852-53 Senator Atchison's position underwent a change. He came to a realization of the fact that the people of western Missouri were strongly in favor of the creation of the new Territory. There was nothing for him to do, therefore, as a practical politician, but to accede to the wishes of his constituents, and support the Nebraska bill, notwithstanding his previous opposition. Accordingly when the bill came up in the Senate in March, 1853, he made the following frank explanation of his position:

" For my own part I acknowledge now, as the Senator from Illinois well knows, when I came to this city, at the beginning of the last session, I was perhaps as much opposed to the proposition as the Senator from Texas [Rusk] now is: The Senator from Iowa knows it. . . . ¹⁴⁵ But, sir, I have upon reflection and investigation in my own mind and from the opinion of others, *my constituents* whose opinions I am bound to respect, come to the conclusion that now is the time for the organization of this territory.

"[One] reason that I will assign why I opposed this measure, and why I still think it objectionable in a local point of view, so

¹⁴⁵ *Cong. Globe*, xxvi, 1111 ff. From the allusions to Douglas and to Dodge of Iowa, it would seem as if the subject of Nebraska had at least been discussed in the session of 1851-52.

far as my immediate constituents, the people of western Missouri are concerned, as well as those of Iowa and Arkansas are concerned, is, if you organize the territory of Nebraska and extinguish the Indian title, and let in the white population upon that territory, it extends our frontiers from seven hundred to one thousand miles west, and we raise up competition with what we now have. The states of Iowa and Missouri now have the best market for all their products. We are an agricultural people, and for all the products of agriculture we have now as good a market as any people of the United States, and it grows out of the frontier trade; food for men, food for oxen, food for mules, food for everything, which we produce for California, Oregon and New Mexico. But if we extend this frontier from year to year competition will increase, and we will be compelled to turn our agricultural products down the Missouri and the Mississippi rivers, to the east instead of to the west. . . . The pressure of population from the older states and from Europe has been such that they roll up against the frontier, and the most populous counties in the State of Missouri are upon the western boundary of that State. In less than three years from this time, the most populous counties of Iowa will be upon the western border; and it will be the same case, if it is not now, with the State of Arkansas. . . . And why is it so? Why, sir, the tide of emigration rolls on until it is stopped by the intercourse laws. Such has been the case in our State for the last ten years, and I know that the tide of population has been rolling back upon the interior of the State. Now, sir, I know very well that in a very few years, if it is not now doing it, the tide of population, in defiance of this government, will pass the frontier and take possession of every habitable spot in Nebraska territory; you cannot keep them out. *There is a large portion of our population who are ready and anxious to abandon their homes to go into this Territory. You cannot restrain them much longer. . . .*¹⁴⁶"

After saying that a second reason for his opposition to the bill was that "the Indian title in that Ter-

¹⁴⁶ The italics are mine.

ritory had not been extinguished, or at least a very small portion of it," Senator Atchison went on to discuss the question of slavery and the Missouri Compromise in language of no little significance:

"It was my opinion at that time [the opening of the session] — and I am not now very clear on that subject — that the law of Congress, when the State of Missouri was admitted into the Union, excluding slavery from the territory of Louisiana north of $36^{\circ} 30'$, would be enforced in that Territory unless it was specially rescinded; and, whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slaveholders from going into that Territory. But when I came to look into that question, I found that there was no prospect, no hope of a repeal of the Missouri Compromise, excluding slavery from that Territory. Now, sir, I am free to admit that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents and the constituents of the whole South, of the slave States of the Union, could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

"I have always been of opinion that the first great error committed in the political history of this country was the Ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri Compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri Compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this territory now as next year, or five or ten years hence."¹⁴⁷

¹⁴⁷ Senator Atchison then went on to give the additional reason for

Considerable importance attaches to the portion of Mr. Atchison's explanation just quoted. First, it indicates clearly that prior to March, 1853, the possibility of the repeal of the Missouri Compromise had been seriously considered by him, and it is fair to infer that not a few others had also "come to look into that question." Although the statement is very guarded and incidental, nevertheless, considering the political situation in Missouri and the plans of Benton's enemies, the phrase is not without significance.¹⁴⁸ The leaders of the aggressive slavery

his opposition, based upon economic considerations, which has been given in an earlier chapter.—*Cong. Globe*, xxvi, 1111 ff.

Speaking of the attitude of the pro-slavery radicals in Missouri toward the opening of Nebraska Territory, Judge Price said:

"We were opposed to the opening of any part of the territory of Old Missouri Territory to settlement, and for many reasons. It had been set aside as the Indian Country. The Government had removed the Eastern Indian tribes to that country and covenanted with them that they should never be molested in their new home. And this was done with a purpose, for if slavery could not go there we wanted no one there except the Indians. And there was no necessity for such settlement; millions of acres of better land were open to settlement in Missouri, Arkansas, Louisiana, Mississippi, Alabama, and Texas.

"To establish Territories in that country would, we knew, bring up the subject of slavery, and its admission or exclusion. We were excluded by the Compromise, but Southern men hoped in some way to bring about the repeal of that measure in some peaceful manner. Their most cherished hope for many years was to look upon the old manner of retaining the influence of Slave-State and Free-State at a balance in the Union by the admission of one slave State and one free State when the time for the admission of any part of that domain was demanded by the economic conditions of the country. In the meantime we hoped to make four States of Texas, and to have slavery established in the country obtained from Spain and Mexico." Reported by Mr. Connelley. See also *New York Tribune*, editorial, November 26, 1853; and the *Independent*, September 25, 1856.

¹⁴⁸ The significance of this is also brought out in an editorial in the *New York Tribune*, entitled, "Nebraska," November 12, 1853.

extension party clearly did not feel that the time was ripe for the commencement of the struggle in Congress for the Repeal. In the second place, the remarks of Senator Atchison evince, beyond the possibility of mistake, what would be his attitude upon the question of Repeal if such a movement appeared feasible. It is only the utter hopelessness of accomplishing the Repeal that induced him to support this Nebraska bill with the retention of the Missouri Compromise restriction. Should circumstances ever arise which seemed to hold out the faintest hope of success, he most assuredly would be found in active support of the Repeal: *a fortiori*, would he champion the Repeal if upon it his own political self-preservation seemed to depend. And the course of Benton in Missouri presently forced him into that position.

With the adjournment of Congress in March, 1853, we are brought to the very threshold of the campaign which makes the year 1853 memorable both in state and national history. All the various elements, factors and issues which were to play important parts in the final struggle over the senatorial succession in Missouri have now been introduced.

We have seen the original impulse for the organization of Nebraska Territory arising from strategic or military considerations and quickly dying out. Almost simultaneously with the beginning of the Missouri dissensions an apparently isolated revival of interest in Nebraska appeared in that State. Another revival followed closely upon Colonel Benton's retirement from the Senate and election to the House. This revival occurred contemporaneously

in two different quarters, in such proximity geographically and temporally as to suggest coöperation or collusion. These movements appear to have converged and united at Washington in December, 1852, and to have been instrumental in effecting the passage of Mr. Hall's Nebraska bill by the House.¹⁴⁹ Although this bill failed in the Senate, Congress made an appropriation for the extinguishment of Indian titles in Nebraska as a preliminary to the early establishment of a territorial government. By the close of the year 1852 the Missouri public were apprised by Colonel Benton of the intimate connection between the creation of the new Territory and the construction of the Pacific railroad. About the time of the earlier revival of interest in Nebraska and when the Missouri dissensions were becoming acute the Missouri Legislature passed a formal endorsement of the Missouri Compromise. Apparently as a rejoinder to this, came the passage of the Jackson Resolutions followed by the bitter schism in the Democracy and a political upheaval throughout the State. It is possible to regard the Jackson Resolutions as disguising a purpose or design, at least a disposition, to abrogate the Missouri Compromise at some indefinite future time, or at any rate, to justify its abrogation. Back of all the warring of factions

¹⁴⁹ From the evidence at hand it is impossible to determine how much credit is due respectively to the Missouri source and to the Nebraska source. In his speech of May 16, 1854, Hon. S. Mayall, a Representative from Maine, made the following reference to the efforts of Guthrie during the winter of 1852-53: "In October, 1852, the people of Nebraska elected a delegate who came to the capital, and as all know who were members of the last Congress, urged with great zeal the organization of a government for that Territory." — *Cong. Globe*, xxxi, 715.

and bandying of epithets lay the hope cherished by Mr. Calhoun's disciples of repealing the Missouri Compromise at the earliest opportune moment. Naturally, however, they wished to select that moment themselves, and did not care to have the issue forced upon them before they were ready. The question of slavery in the proposed Territory, we have seen making its first public appearance in the winter of 1852-53, at which time the two Missouri Senators, and especially Mr. Atchison, opposed the creation of the new territorial government. The latter opposed it avowedly because the slaveholders of Missouri would be prevented by the Compromise prohibition from taking their slave property into the new Territory.

It is not difficult to anticipate, from what has preceded, the attitude which Benton and Atchison would probably assume in case an issue arose which involved the retention or the repeal of the Missouri Compromise in a new Territory west of Missouri. From the letter of Guthrie, who was in a position to know, and from the Cape Girardeau county speech it was perfectly clear that Benton favored the new territorial project. That he would oppose any attempt to repeal the Missouri Compromise was beyond question. The power of Congress under the Constitution to exclude slavery from the Territories, he staunchly upheld. Mr. Atchison, on the other hand, vigorously denied that Congress had such power.

CHAPTER IV

The Missouri Senatorial Campaign of 1853—Controversy over the Legality of “Immediate” Settlement in Nebraska—Atchison is Forced to Champion the Repeal.

We are now prepared to enter upon the stirring events of the summer and autumn of 1853, and to see how circumstances combined to produce conditions out of which emerged the suggestion for the repeal of the Missouri Compromise in connection with the Nebraska territorial bill in 1854.

Of what had been taking place in Missouri during the winter of 1852-53 when both the State Legislature and Congress were in session, we have almost no detailed information. The winter had scarcely passed when hostilities between the old factions were vigorously renewed.

Although the Legislature which would choose Senator Atchison's successor would not be elected until the summer of 1854, the spring of 1853 was none too early to commence the life and death struggle between the factions which for eight years had been contending for the supremacy. Shortly before the adjournment of the Legislature on the twenty-fourth of February, 1853, Colonel Benton announced that he would be “in the field for reëlection to the Senate of the United States at the next regular session” of

the General Assembly.¹⁵⁰ Not long after this,¹⁵¹ the Jefferson *Inquirer* sounded the clarion call to battle in an editorial entitled, "A WORD TO THE DEMOCRATS," in which all "sound" Democrats were urged to awake and prepare for the contest to replace Benton in the Senate. The challenge was soon formally accepted by Senator Atchison who joined issue in no equivocal terms: "I will cheerfully surrender my seat in the United States Senate to any *honest and sound Democrat*. But I can never willingly surrender it to Colonel Benton."¹⁵²

There were those who scented the impending battle from afar. "Mr. Benton will take a position of antagonism to the Missouri division of the Administration party," wrote the Washington Correspondent of the New York *Courier*.¹⁵³

"He is going home to engage in a contest against organizations, against the State convention, caucuses,¹⁵⁴ and other machinery by which the leaders there are seeking to protect themselves against the force of his individual will, eloquence and energy. Mr. Benton is resolved to procure the reversal of that decision against his famous 'Appeal' in 1851 which sent Mr. Geyer to the Senate in his place. To this end he means to enter upon a canvass of the State for the election of a majority of unpledged and independent Democratic candidates to the Legislature, in order to oust Mr. Atchison from the Senate and get himself in. In this

¹⁵⁰ This appears from a portion of a letter of Colonel Benton quoted in an address of certain Democratic members of the Legislature to their constituents. See *National Intelligencer*, March 10, 1853.

¹⁵¹ April 9, 1853.

¹⁵² *Missouri Republican*, June 22, 1853.

¹⁵³ Quoted in the *Missouri Sentinel*, March 24, 1853.

¹⁵⁴ Benton's "hatred of dictation was such that he would never attend a caucus of any kind." — Rogers's *Benton*, 318.

work he well knows that he must expect the opposition and not the aid of the Administration.”¹⁵⁵

With surprising accuracy, the Correspondent then added this prediction of the outcome:

“But with all his resources and his indomitable resolution and his strongly versatile and active mind, the old Senator will be beaten and will die disappointed and disconsolate. Party discipline will overcome even such as he.”

“There can be no mistaking the signs of the times,” began an editorial forecast and review of the press alignment a few weeks later.¹⁵⁶

“A fiercer war is about to be waged between the Benton and Democratic factions in this State than has ever been known. The newspapers as well as the politicians have taken sides and all seem ready for the fray. Colonel Benton, so far as we have observed, has only two papers arrayed in his support, the *St. Louis Democrat* and the *Jefferson Inquirer*. They are to be reënforced by the *Gazette* at St. Joseph under a new editor (L. J. Eaton). On the other side there is the *Examiner* at Jefferson City, the *Chronicle* at Lexington, the *Northeastern Reporter* at Canton, the *Banner* at Glasgow, the *Chronicle* at Bloomington, the *Hannibal Courier*, we believe, and one of the papers at Springfield. . . . It is going to be a great fight, and whatever party triumphs a goodly number will be left dead on the field.”

¹⁵⁵ This break with the Administration seems to have occurred some time in the summer of 1853. The immediate occasion, in brief, seems to have been the ignoring of the Benton faction and the recognition of Atchison, in the distribution of Federal patronage, especially in the appointment of an anti-Bentonite as postmaster at St. Louis. So incensed was Benton at this, that he immediately made arrangements for the transmission and delivery of all his correspondence by express, and gave public notice of this arrangement in the leading newspapers in the State. See *New York Tribune*, August 30, 1853.

¹⁵⁶ The *Missouri Republican*, April 15, 1853. The *Republican* was a Whig organ. During the early part of the campaign of 1853 it maintained a neutral position very well; but as the campaign waxed hotter, it became more antagonistic toward Benton, although at all times it was free from the passion and partisanship of its Democratic contemporaries.

Apparently the months of March and April, 1853, were passed by the politicians in quietly making their plans and perfecting their machines. The "Antis," if one may believe the *Jefferson Inquirer*, were "playing a desperate game to beat Colonel Benton for the Senate," and were "manifesting a zeal worthy of a better cause," leaving "no means untried for accomplishing their purposes."¹⁵⁷ It was not until May, when Colonel Benton had returned to Missouri, that the letter-writing and speech-making began in earnest.

Eagerly did the Bentonites seize upon the fact that David R. Atchison, one of the most pronounced opponents of the exclusion of slavery from the Territories, after strenuously opposing the Nebraska bill, had, nevertheless, come around finally to its support. Upon it they predicated repeated and elaborate charges of the grossest inconsistency and utmost unreliability. The *Jefferson Inquirer*, the staunchest and most influential of the Benton newspapers, in an editorial entitled, "ATCHISON VS. ATCHISON," reminded its readers of the emphatic language which Atchison had used to Guthrie upon the subject, and proceeded to excoriate Mr. Atchison in the following terms:¹⁵⁸

"The dead duck, having caved in and renegged upon the fundamental position of anti-Bentonism, to wit, that Congress has no power to legislate upon slavery in the territories, and having by his death-bed and post-mortem adhesion to the Nebraska territorial bill explicitly acknowledged such power in Congress, and actually sanctioned its abolition in all the upper Louisiana territory

¹⁵⁷ Issue of April 27, 1853.

¹⁵⁸ Issue of May 21, 1853.

north of $36^{\circ} 30'$, it becomes useful to look into some of his previous pledges on the subject to see that either now in admitting the power, or formerly in denying it, he has been a hypocrite and double-dealer, either false to the people of Missouri to whom he owes respect and gratitude, or false to the Constitution of the United States which he is under oath to support.

"It will be remembered that in 1849 Mr. Atchison published a letter on the subject of the nullification resolutions, the fundamental one of which and which was the basis of all the rest, denied the same power to Congress and made its exercise a cause of dissolution of the Union. In that letter thus published there occurs among many similar passages the following:

"‘Congress can no more constitutionally prohibit the slave-holder from Missouri from settling in the Territories of the United States with his slaves, than the Rhode Islander with his machinery, or the Methodist, Presbyterian, Turk or Mormon with his religion. It is in vain to hope that this question [concerning the power of Congress to legislate upon slavery in the Territories] can be compromised or in any way satisfactorily settled without united and determined resistance. In conclusion, fellow citizens, I will say that as Senator I will oppose all legislation of Congress which has for its object an interference with the domestic institutions, *or which will prevent any citizen of a slave State from emigrating to the Territories of the United States with his slaves.*’¹⁵⁹

"The way he talked and swore at the same time was awful to hear. A favorite form of swearing with him then was this: 'I would see the United States split into as many parts as there are counties in the Union before I would see the Wilmot Proviso passed, or any act done by Congress, which would sanction the expulsion of slavery from any territory or prevent our southern brethren from going with their slaves to any land gained by the common blood and treasure.'

"At many times he swore he would be 'tarred and feathered,' 'would be hanged and quartered,' 'would be torn to pieces by wild horses hitched to each arm and leg,' 'that he would resign and

¹⁵⁹ The italics are mine.

quit the State,' before he would ever submit to such a violation of the Constitution, and such an 'insult' to the South, as the exclusion of slavery from any Territory of the United States would be.

"In that way he continued swearing for about the space of three years and nine months, viz., from the spring of 1849 to the winter of 1852-53, at which latter time he still swore thus to Mr. Abelard Guthrie of Nebraska: 'I had rather see the whole Territory sunk in hell, than to see it organized as free territory!'

"Thus the brave Davy Atchison spoke and swore for the space of near four years, and until after the Nebraska bill, despite the traitorous and clandestine opposition of Phelps and Atchison, and the cold and silent opposition of Geyer, had passed the House of Representatives and had been favorably reported by the Committee of the Senate and until after it had been killed by the criminal delay to call it up; after all that and without regard to his four years swearing, and for the purpose of deceiving his constituents, he 'renigged,' 'caved-in,' jumped the fence, abandoned all his principles in relation to the powers of Congress in abolishing it in as much territory as would make fourteen large States. . . ."

The two subjects upon which public interest focused in the campaign of 1853 were the railroad to the Pacific and the early organization of Nebraska Territory involving the question of slavery. Over these topics arose the main issues of that memorable campaign. "Slavery Whigs and Slavery Democrats were on one side; those favoring the continuation of the Compromise being on the other, almost to the disregard of party lines, especially toward the close of the contest."¹⁶⁰

¹⁶⁰ Judge Price, as reported by Mr. Connelley. Judged by his remarks in the Senate, March 3, 1853, it seems probable that Senator Atchison had not been kept fully informed of the growth of a strong sentiment in the western part of the State favorable to the immediate repeal of the Compromise which apparently had developed rapidly after he had left the State in the preceding November. At any rate that sentiment did not appear to him in March to be of strength sufficient to warrant his advocating the Repeal in Congress.

Benton soon visited the western counties which formed Atchison's political "stamping ground"¹⁶¹ and found the inhabitants of that section of the State feverish to get over the river into the rich lands of Nebraska.¹⁶² In their eagerness he perceived the opportunity of making much-needed political capital for himself, at the expense of his rival. By advocating the *immediate* occupation of Nebraska by white people and by pledging himself to champion the territorial measure before the next Congress, he would stand an excellent chance of transferring from Atchison to himself the political allegiance of the populous frontier counties.

Thus to carry the war boldly into Africa appealed with irresistible force to a politician of Benton's extraordinary aggressiveness. It mattered little that during his thirty years as Senator he had never exhibited any active interest in opening Nebraska to settlement. It was much more to his present purpose to make it appear that Atchison, although for some years chairman of the Senate Committee on Indian Affairs, had totally neglected the interests of his immediate constituents in paying no attention to the treaties by which the desirable lands in Nebraska had been assigned to the Indians, with a view to the possible opening of those lands to the occupation of

¹⁶¹ Atchison resided in Platte City from 1841 to 1856; Paxton's *Annals*, 833.

¹⁶² Hemp-raising by slave labor was becoming an important industry in western Missouri, and it was known to the people of that region that lands equally good for hemp-raising lay in adjacent parts of Nebraska.—Paxton's *Annals*, 63 ff; *Missouri Republican*, June 23, 1854; John A. Parker's *What Led to the War* (see Appendix D); the *Independent*, September 25, 1856.

Missourians. Every one knew that Atchison had been strongly opposed to the Nebraska bill in the session of Congress just ended, and only with the utmost reluctance had finally brought himself to its support. With almost equal ease it could be proved that he had made no effectual attempt so to construe existing Indian treaties and Acts of Congress as to authorize the immediate occupation of Nebraska lands by white people. Mr. Atchison might thus be placed under the initial disadvantage of having to act on the defensive. Benton on the other hand could boldly assert that as long as Atchison remained in the Senate and Benton remained out of it, there was no prospect of the early opening of Nebraska to settlement.

Colonel Benton's first move in the execution of this plan of campaign appeared in May, 1853. Some of his Democratic friends among the citizens of Cole county had invited him to speak to them upon the subject of "the great road to the Pacific." In accepting their invitation¹⁶³ he availed himself of the opportunity to announce a new and startling proposition concerning the right of white people to settle in Nebraska even before the establishment of a territorial government:

"Gentlemen: When I return to Missouri I shall do myself the pleasure to comply with your invitation and speak to you on the subject which you mention, that of the great road to the Pacific. . . . But my design in this answer to your letter is to speak to a practical point, and to remove some errors in relation to Indian titles on the line of the road west of Missouri and which were not cleared up in the debates on the Nebraska bill at the last session of Congress. It seemed to be taken for granted that

¹⁶³ Dated May 3, 1853; in the *Jefferson Inquirer*, June 6, 1853.

the whole country out to the Rocky Mountains was covered by Indian titles. *Not so the fact, only a small part of it:*¹⁶⁴ the case is this. Near thirty years ago the United States extinguished the Indian titles to all this country, Indians retaining small reservations and the rest being intended for emigrating tribes, of which only a small part (directly west of Missouri) had been allotted to them. The Pawnees relinquished all their title south of the Great Platte, and this went up to the Rocky Mountains, they taking a reservation on the *north* side of the river. The Kansas relinquished all as far as they claimed to the head of the Kansas river, and to the division ground between the Kansas and Arkansas rivers. The Osages ceded all the country on both sides of the Arkansas and out to Red river. Out of this cession the Kansas Indians received a strip thirty miles wide on the Kansas river, running above the junction of the Republican and Smoky Hill forks, but including very little of these forks; and the Osages reserved a parallelogram on the Arkansas nearly opposite the southwest corner of the State. The Shawnees and Delawares had strips assigned them adjoining the Kansas reservation on the north and south, and half a dozen fragments of tribes had small assignments, some on the Missouri line south of the Kansas and some on the river north, and none running far back.

"The reservations and assignments west of Missouri comprise a part of the great territory acquired from the Pawnees, Kansas and Osages; further south the Cherokees, Creeks and Choctaws have it all; but west from Missouri the large purchase remains more than three-fourths United States territory *where citizens may settle without interfering with Indian rights.* The boundaries of the Indian lands can be easily ascertained as they lie in the eastern part of the great territory near to our own settlements. All the lands not included in these reservations and grants are

¹⁶⁴ The italics in this letter are Benton's. These assertions concerning the immediate right of white men to enter and settle in Nebraska even before the establishment of a territorial government were reiterated by Colonel Benton in a letter to C. F. Holly of Savannah, dated May 15, 1853, replying to an invitation to speak in that locality, and in speeches delivered at Kansas City, Weston and Independence in the course of the next few months.—The *Missouri Republican*, May 17 and June 22, 1853.

United States territory and in two places it comes down to our own boundary: one between the Osages' reservation and the reserves and grants on the Kansas, and covers the upper waters of the Neosho and Osage, and part of the Smoky Hill fork; the other, on the north of the Kickapoo grant. West of the different Indian grants and reserves *all is open out to the mountains*. This includes fine country, the whole course of the Upper Arkansas, nearly the whole of the Smoky Hill and Republican forks, with the Vermillion and all the southern waters of the Platte, and embracing land as fine as any in Missouri and valuable from its locality. The present Santa Fé Road goes through it after emerging from the Shawnee grant and the great Pacific railway, if it takes the Central route, will traverse it from one end to the other, from the Missouri frontier to the head of the Huerfano about half way to California, all rich land and the country so broad and open that the engineer might take his course for the road by compass as a ship takes her course at sea. Thus three-fourths of the country which lies west of the Missouri frontier out to the Rocky Mountains is free from Indian title; and from its beauty, fertility, salubrity, and geographical position must speedily attract the preëmptor and cultivator.

"Considering the settlement of this country as intimately connected with the location, construction and support of the great central railroad, I have taken the trouble to examine maps and treaties to verify these statements of Indian lands and United States territory west of our State; and with a view to show where settlements can be made without infringing on Indian rights. There is territory there open to settlement enough to make a great State, in a temperate climate, much of it fertile and on the straight course to San Francisco. Both the Kansas and the upper Arkansas are rich and beautiful, and as high up as the *Pueblos*, far above Bent's Fort, good crops are raised and stock provides for itself winter as well as summer, without food or shelter from their owners.

"There was a great objection to the Nebraska bill last winter in Congress because the territory had but few inhabitants. That objection need to apply no longer, and the hardy pioneer, that

meritorious citizen whose enterprise, courage and industry is worth so much to his country should lose no time in commencing his preëmption settlement.

“Respectfully your obliged fellow citizen,

“THOMAS H. BENTON.”

With the publication of the Cole county letter a heated controversy immediately arose between Senator Atchison and Colonel Benton regarding the legality of immediate settlement in Nebraska. The Weston *Reporter* inquired of Mr. Atchison whether, in his opinion, *any* portion of Nebraska was then open to legal settlement by white men. To this inquiry he replied in a speech delivered at Weston, Missouri, on the eleventh of June, 1853. He then said: ¹⁶⁵

“The Act of 1834 to regulate the intercourse with the Indians and to preserve peace upon the frontiers declared that territory to be *Indian* territory, and forbade its occupation by white men, except only officers and men in the government employ, traders there by special permission, and white men who may have married among Indians. It is the duty of military officers and Indian Agents to prevent white settlers from locating in the territory.”

“In consequence of this contradiction and not *because* it contradicted” him, “but was calculated to do great injury to the people” of the State, Benton applied to the Department of the Interior at Wash-

¹⁶⁵ This speech at Weston seems to have been substantially the same in other respects as one delivered by Atchison at Platte City five days before. An editorial in the *Missouri Republican* of June 8 thus referred to these speeches: “SENATOR ATCHISON. This gentleman is in the field making his appeal to the people of Missouri. We learn that he was to address the people at Platte City on Saturday last; and that on Saturday next he will speak at Weston. The principal topic of his speeches, we are given to understand, will be ‘Nebraska’ and ‘the Road to India.’ Public curiosity will be excited to hear what he has to say on these heads.” The speeches are reported in the *Missouri Republican*, June 22, 1853.

ington for information "which being official may defy contradiction from any quarter."¹⁶⁶ On the second of July, he sent a map to Mr. Mix, Chief Clerk of the Department of the Interior, and with it this note:¹⁶⁷

"C. St., July 2.

"Mr. Mix, Dear Sir,

"Please have the western boundary line of Missouri laid down on this map and the outline of the Pawnee, Kansas and Osage Purchases, and the reservations as they now stand within that outline. You need not show each purchase but the outline of the whole.

Yours truly,

"THOMAS H. BENTON."

On the eighth the map was returned to Colonel Benton accompanied by the following note from the Commissioner of Indian Affairs:

"Department of the Interior,
"Office Indian Affairs, July 8, 1853.

"Sir:

"Agreeably to your request of the 2d instant I have the honor to return herewith the map you sent to this office with an outline colored green of the Pawnee, Kansas and Osage purchases lying west of the Missouri line marked thereon. The several tracts of country that have been reserved or ceded to various Indian tribes within the territory purchased, as also those situated immediately north and bordering thereon are respectively designated in varied colors, which it is hoped will answer the purpose of your request. Very respectfully your obedient servant,

"GEORGE W. MANYPENNY, Comr.

"Hon. Thomas H. Benton, C. St.,

"Washington, D. C."¹⁶⁸

¹⁶⁶ The phrases quoted are from Benton's Monroe county letter.

¹⁶⁷ Published in the *Missouri Republican*, September 16, 1853.

Col. Benton wrote another letter to his constituents between the eighth and thirtieth of July¹⁶⁹ in which he explains in greater detail than in his Cole county letter his views of the state of the laws and treaties relating to the Nebraska country. This letter, clearly intended for publication, was addressed to the citizens of Monroe County in response to an invitation to visit the county and address the people on "the great subject of the day, that of a railroad to the Pacific Ocean." "Connected with this road," he repeated, "and as one of the facilities for making it is the desirable object of settling the country west of Missouri out to New Mexico and Utah; and I have the gratification to inform you," he adds, ". . . . that there is nothing in the state of our Indian relations to prevent it." He again presented in detail the nature and extent of the cessions and reservations made by the Indians in the region west of Missouri, and alluded to the fact that he had sent the map mentioned above "to be engraved and published for the public information," claiming that it supported his main contention. Finally, after having presented these points, he reached a conclusion which involved an admission eagerly seized upon by Mr. Atchison:

"I therefore consider the cessions of 1825 and 1833 from the Kansas and Osages and Pawnees (so far as they have not been reserved or ceded to the Indians) to be like any other lands to

¹⁶⁸ This letter appeared in the *Missouri Republican*, September 16, 1853.

¹⁶⁹ I have been unable after a lengthy search to discover the exact date of this letter but feel certain that it must have been written between the dates mentioned.

which the Indian title has been extinguished, that is to say, United States lands; and although there are acts of Congress forbidding settlement or cutting timber on the United States land, yet we all knew that all such acts were passed when our land policy was less liberal than it is now and that they are a dead letter on the frontier and that all such settlers get preemption rights in one hundred and sixty acres, instead of being dragooned by the military and sued by the Government."

Near the close of the letter Benton could not resist the temptation to have a thrust at Atchison and the rest of the Missouri delegation in Congress:

"I consider it very unfortunate that no person in Congress knew the condition of the western territory when the Nebraska Bill was under discussion last winter. If any one had known it and merely sent a note to the Commissioner of Indian Affairs, asking to have the Indian reservations and grants marked off it would have put an end to all the lamentations about the violation of Indian rights with which the two Houses were so incontinently entertained and would have put an end to all objections to the Nebraska territory, except the true one which is the Compromise line of 1820. Next winter they will be met with the map and all their Indian tears will be dried up."¹⁷

The joy of the Benton newspapers in the State over what they regarded as the complete humiliation

¹⁷ In *Jefferson Inquirer*, August 13, 1855. The italics are mine. The Savannah *Mr. Suzuki*, looking upon the Monroe county letter as a complete humiliation of Atchison, closes a long exortation with the following grandiloquent paragraph: "When Nebraska shall be settled, the way will have been prepared by Benton for the rise of that future 'central state' of the famous 'Constellation.' When the central route shall be located, it is to Benton, his facts, his labors, his efforts, that Missouri and Nebraska, twin sisters in position and destiny, will owe it that they shall become the enterprisers of the world's trade, the storehouse of the world's wealth and the garden spot for its supplies. When that grand highway itself shall have been completed, the bust that shall grace the tallest peak of the Rocky Mountains, next to Columbus, will be that of Benton, looking like that renowned navigator, westward for the East, towards India."
Quoted in the *Jefferson Inquirer*, August 20, 1855.

of Atchison, knew no bounds. "Benton's triumph is complete," said the *St. Louis Evening News*,¹⁷¹ "and Atchison's disgrace is unlimited."

"For ten years," continued the same paper, "Atchison was chairman of the Committee on Indian Affairs and living in sight of Nebraska for many years longer, and yet he was wholly ignorant of the condition and proprietorship of that country! But in his ignorance he stood up before the world and disowned it as the property of the United States! What a humiliation for him to be thus shown up before the people of Missouri whom he misrepresents so outrageously by his opposition to Nebraska! Let him resign and hide himself in shame. Vice-president though he be. His ignorance is discreditable to the State and the positions he has held. . . . All honor to Benton!"

To the various positions assumed by Benton in the Cole county and Monroe county letters, Senator Atchison replied in speeches at Parkville¹⁷² on the sixth of August and at Fayette in November.¹⁷³ He took up in detail each of the Indian treaties, cessions and reservations and the Acts of Congress referred to by Benton, and endeavored to refute Benton's interpretation of them.

In the course of his reply at Parkville, Atchison inquired:

"Is it not strange, fellow citizens, if Colonel Benton is right in his opinion thus expressed that the discovery has for the first time been made by him within the last few months? Is it not strange that all the country within the bounds of Nebraska has been deemed and treated as Indian country by our Government and by our citizens? But now all at once our old Senator has broken out, as we may say, 'in a fresh place.' He has found a

¹⁷¹ Quoted in *Jefferson Inquirer*, July 30, 1853.

¹⁷² Reported in the *Missouri Republican*, August 31, 1853.

¹⁷³ Reported in the *Jefferson Inquirer*, November 14, 1853.

'mare's nest.' But now in what I have said I have done one Gen. Sutherland (commonly called 'Old Nebraska') an injustice; who, as I am informed, was among you a year or two since beating up recruits to settle Nebraska, declaring that this country which will be designated on Col. Benton's map, was open for settlement. But you declared the man crazy; and the officers of the Government threatened him with the penalties of the law. But now all is changed. I do not mention Sutherland's name for the purpose of depriving Col. Benton of the glory of being the discoverer of this new doctrine. Col. Benton admits that there are acts of Congress forbidding settlement on the United States lands. But he says they are a dead letter on the statute books. Now this I deny, not for the purpose of 'contradicting' him but because he is mistaken, for the laws are every day enforced by the courts. I will not say that he is either *ignorant or perverse*. I also deny that any persons can under any law of Congress obtain a preëmption right by settling on any land in Nebraska. I deny that Col. Benton's map proves anything for him. His position is that there is territory in Nebraska open for settlement by white men. I deny it. He may be right and I may be wrong. Instead of calling upon the Commissioner of Indian Affairs for the map, why did he not simply ask him or the Secretary of the Interior for his opinion whether any country west of Missouri or Iowa could under the existing laws and treaties be settled by white men? If so, what country? This would have settled the whole matter with me and would have been more satisfactory to our people who desire to emigrate to Nebraska."

Atchison then went on to say that the day after he had read Benton's Monroe county letter he addressed a letter to the Secretary of the Interior requesting an official expression of opinion whether any portion of the Nebraska Territory was then open to settlement by white men, and if so, what portion.

"If the Secretary," said Atchison, "can consistently with his duty answer me then the question is settled. . . . I expect an answer in a few weeks. . . . I have no pride of opinion in the

matter. I care not whether Col. Benton should be right or wrong. Indeed I rather hope that he may be right. Many of our citizens are anxious to get into that country. I trust that they may be gratified. But Col. Benton says that the opinion I expressed dissenting from him was calculated 'to do great injury to the people of the State.' Now I do not see how my opinion could do the least injury to the people of the State. If they act upon it, they can sustain no injury whether I be right or wrong. But if they act upon Col. Benton's opinion and he *should be mistaken in the law*, then they will sustain great injury, for it is no small matter for a poor man to leave his home and travel hundreds of miles into the Indian country and then be driven back. . . ."

Atchison's letter of inquiry, dated August 3, was referred by the Secretary of the Interior to the Commissioner of Indian Affairs for reply. That official on the sixteenth of August, sent a long communication to Senator Atchison.¹⁷⁴ Omitting its lengthy

¹⁷⁴ Printed in the *Missouri Republican*, August 26, 1853. The italics are mine. In his speech at Fayette, Mo., in November, 1853, Atchison is reported to have asserted, "that Manypenny's letter was shown to the Cabinet and contains the views of the Administration and was deemed of such importance lest the false views of Benton should have a deleterious influence that it was published in the organ of the Administration on the evening of the same day upon which it was written. . . ." — From report of his speech in *Jefferson Inquirer*, November 14, 1853. See Atchison's letter, December 21, 1853, in *Washington Daily Union*, December 23, 1853.

It may be interesting to see the way in which a leading Benton organ viewed the letter of Manypenny to Atchison. The following is taken from an editorial in the *St. Joseph Gazette* of September 24: ". . . This letter deserves passing notice. It is true as Mr. Manypenny insists, that no part of Nebraska strictly speaking is open to settlement, but he is entirely wrong we apprehend in supposing that it is illegal to settle in Nebraska because of the Indian intercourse act. That act forbids settlement only on Indian land. But it is an abuse of language to call these Indian lands to which the Indian title is extinguished. The old act of 1807 which Col. Benton well called obsolete is the only law in the way of the whites settling on the public lands of Nebraska. But Mr. Manypenny

narrative of the dealings of the Government with the various Indian tribes, it is sufficient to quote the concluding paragraphs which may be regarded as officially deciding the points in dispute between Atchison and Benton.

"In view of the interest which appears to be taken in this subject in the West and of the importance therefore of a proper understanding of it, I have extended this communication beyond

insists that the Indians have the right to hunt on all the lands in Nebraska. Here again he is wrong. The vast majority of public lands in Nebraska were purchased from the Kansas and Osage Indians. In the treaties with these tribes no provision concerning the Indians hunting on the lands ceded to the United States is found, and even the provision referred to by Mr. Manypenny in the Pawnee treaty is one that can at any time be annulled by the President.

"Mr. Manypenny's letter, however, contains one statement of value to those who wish to settle in the territory of Nebraska. He admits that the New York Indians have no title to the lands in Nebraska which had been set apart for them. These lands containing several million acres, are contiguous to the State of Missouri. If Mr. Manypenny is right, then there is a large tract of country in Nebraska, south of the Missouri river, and adjoining our State, which is at this very time subject to settlement. . . . The treaty of 1838 requires them to settle on the lands in Nebraska within five years from the date thereof, or forfeit their right to the same. The five years have long ago elapsed and according to the letter of the treaty the New York Indians have no right to any part of the Nebraska territory. Whether the Government should enforce the treaty with this degree of strictness we are not prepared to say. The lands set apart for the New York Indians between the Missouri and Kansas rivers and the southern line of the State of Missouri contain 1,824,000 acres, or 1850 square miles, nearly the size of the Platte Purchase. . . ."—In *Jefferson Inquirer*, September 24, 1853.

It would be interesting, but would consume too much space, to compare these different claims with the facts as stated in Miss Anna H. Abel's thesis entitled, "Indian Reservations in Kansas and the Extinguishment of their Title," in *Kansas Hist. Soc. Trans.*, viii, 72 ff. The same volume also contains a table of various Indian reservations in Kansas Territory, with the area of each, and outline maps showing reservations in 1846 and in 1856. The guarantee clauses in the Indian treaties mentioned in these discussions are quoted in the speech of Howard of Texas, February 10, 1853; *Cong. Globe*, xxvi, 556.

the ordinary limits of a letter, and although prepared during a pressure of business, I have confidence in the narrative of facts which it embodies, and from which *I am not able to say to you that any portion of the country within the limits of the proposed Territory of Nebraska is in such condition that the white man can lawfully occupy it for settlement.*

“Congress at its last session authorized the President to treat with the Indian tribes located along the western boundary of Iowa and Missouri and for the purpose of extinguishing their title in whole or in part to the country they now occupy and measures are in progress to effect that object.

“Whatever differences of opinion may exist on the question, you have propounded, it is confidently expected that no action will be taken by any portion of the people which will embarrass the Government in the contemplated negotiations with the Indians.

“Very respectfully your obedient servant,

“GEORGE W. MANYPENNY, Commissioner.

“Hon. D. R. Atchison, Platte City, Mo.”

It was now the turn of the newspapers friendly to Atchison to exult. Said one of the more moderate: ¹⁷⁵

“A more decided victory could not be obtained by one individual over another than Atchison has achieved in this controversy. . . . It is suggested that Colonel Benton’s map of the Nebraska Territory will be at a very considerable discount in this State after seeing Colonel Manypenny’s history of the legislation of Congress in regard to the Indian territory.”

In the interval between the writing of the Mon-

¹⁷⁵ The *Missouri Republican*, August 26, 1853. After the appearance of this correspondence the *Missouri Republican* (Sept. 17, 1853) made this comment: “The note of Col. Benton of July 2 asking for the map is a remarkable specimen of ostrich diplomacy. . . . This note has hitherto been suppressed though he published Col. Manypenny’s reply to it. Having stuck his own head in the bush, he hoped to conceal his design and entrap the Commissioner into furnishing a map to go forth without official explanations; he thought he would be allowed to use it and nobody would see the trick. But the Commissioner has been after him and has pretty completely stripped him of his plumes.”

roe county letter and the Manypenny letter of August 16, the map referred to in Benton's correspondence was published and offered for sale. Shortly after the writing of his letter of the sixteenth, Colonel Manypenny visited the Indian tribes located in Nebraska and while there a copy of Benton's map was brought to his notice. He thereupon immediately addressed the following communication to the *Independence (Missouri) Reporter*:¹⁷⁶

"Indian Country, Sept. 7, 1853.

"To the Editor of the *Independence Reporter*: Sir:

"A friend has just placed in my hands a map of a portion of the country west of Iowa, Missouri, and Arkansas which has the following title:

" '*Official Map of the Indian Reservations in Nebraska Territory Drawn by the Commissioner of Indian Affairs at the Request of Colonel Benton and Published to Show the Public Lands in the Territory Subject to Settlement.*'¹⁷⁷

"This map appears to have been lithographed by 'Jules Hutawa,' St. Louis; and the title is well calculated to deceive the reader, for which reason I deem it my duty to say that *no such map was ever drawn in the Indian Office by me for any such purpose*;¹⁷⁸ and further I deem it my duty to say that in my opinion there is not any land in Nebraska Territory subject at this time to lawful settlement.

"Colonel Benton did send to the Indian Department a map of the United States and the Territories with the request that the *outline* of certain Indian purchases should be laid down on it, with the Indian reservations within the *outline*, which was done;

¹⁷⁶ This letter appeared in the *Missouri Republican*, September 17, 1853. See also *New York Tribune*, November 7, 1853, quoting the *Washington Star*.

¹⁷⁷ These italics are Manypenny's. My efforts to obtain a copy of this map have been unsuccessful. Indeed I have been unable to ascertain that a copy is in existence.

¹⁷⁸ These italics are mine.

but the question as to the views of the office in relation to the right to settle Nebraska was not asked.

"Accompanying this letter I send you a copy of Colonel Benton's note to the Indian Office transmitting his map and my reply when the work was done and the map returned. It will be seen that there is not a word said about the settlement of Nebraska. You will please insert them in your paper with this letter.

"The publication of this map has done Colonel Benton and the Indian Office great injustice and the 'Official Map' for the purpose intended by him is unworthy of credit and ought not to be purchased or circulated.

"Very respectfully your obedient servant,

"GEORGE W. MANYPENNY,

"Commissioner of Indian Affairs."

Into the details of this controversy over the status of Indian lands in Nebraska and the right of white men to settle there in the absence of further legislation, it is unnecessary to go further. In the present connection the controversy is important for four main reasons. In the first place, it tends to prove that the subject of organizing a territorial government in Nebraska was forced to the front in the Missouri campaign of 1853, not by the pro-slavery following of Atchison, but by the free-soil element in the Missouri Democracy led by Colonel Benton. In the next place it is another indication of Colonel Benton's eagerness to crush Atchison and of the extreme to which he was willing to go in order to accomplish that end. In the third place, back of the purely selfish motives by which Benton was unquestionably moved, it is possible to discern a motive born of his free-soil sympathies and his antipathy to slavery extension. The subject of the early repeal

of the Missouri Compromise had become so bruited about among the politicians by the early part of the summer of 1853 that Benton was undoubtedly aware of what his enemies ultimately hoped to achieve in this particular. He may have reasoned that they were unprepared to take up the fight for the Repeal, and that by forcing the settlement of Nebraska at the earliest possible moment, even at the cost of a very loose interpretation of existing statutes, the movement for the Repeal might be killed in its infancy, and a new State consecrated to Freedom. Finally, the controversy had the effect of arousing or stimulating a certain, or rather an uncertain, degree of active and aggressive interest among Missourians in the opening of the new Territory to white settlement. Upon the latter point a few words more need to be added.

If we may believe the statements of an ardent Benton paper, multitudes eagerly accepted Benton's interpretation of the law respecting settlement in Nebraska. The organ referred to said in November, 1853:¹⁷⁹

"We have the best of authority for saying that the emigration to Nebraska is surprisingly great. Trains of wagons may be seen from day to day advancing upon that Territory. The knowledge of its genial climate and fertile soil which has been widely diffused through the agency of Colonel Benton and the press is now producing its legitimate results. . . . It is not alone from Missouri the columns proceed which are debouching on Nebraska. Kentucky and other adjacent States are pouring streams into the reservoir. Go ahead! Missouri and Kentucky.

¹⁷⁹ The *Iowa Republican*, November 23, 1853, quoting the *St. Louis Democrat*. This is briefly contradicted in the *New York Tribune*, November 12, 1853.

. . . . You are adjured by a cabal of screaming Hypocrites to keep aloof from Nebraska. They cry out when you approach it as if it was the holy of holies. They put forward as a pretext the right of the red man, but the real cause is because you can [not] be introduced by a negro. The white man forsooth must only enter into Nebraska by the aid and companionship of a black man, as if that country was destined to be a mere slavery nursery on an Indian preserve.

"You must walk on tiptoe when you come in view of the boundaries of that Territory and not with the firm and advancing stride of your ancestor. But it is evident that you have not the fear of that croaking cabal before your eyes, who are trying to frighten you away by flapping the shreds of an obsolete law in your westward looking eyes. Be not afraid. The intrigues of that official who haunted the wigwams of the Indians to incite them to murder you will be exposed when Congress meets."¹⁸⁰

After making considerable allowance for partisan exaggeration, one may safely conclude that Benton's attempts to rouse popular interest in the immediate settlement of Nebraska were not wholly futile.¹⁸¹

Benton's disconcerting aggressiveness, furthermore, in declaring Nebraska legally open to settlement, as well as his misrepresentations of Atchison's attitude toward the Pacific railroad — although injurious to himself in the end — had the immediate effect of seriously weakening Atchison's position by compelling him to act upon the defensive, a position which no politician with a formidable antagonist relishes, and the seriousness of his position was aggravated by the general interest felt in the subject.

¹⁸⁰ An allusion to Col. Manypenny's visit to Nebraska.

¹⁸¹ See the *New York Tribune*, July 12, and November 26, 1853, quoting the *St. Louis Democrat*.

Said one of the prominent anti-Benton newspapers: ¹⁸²

"In this question (shall Nebraska come into the Union?) all are interested; it touches the interest of Missouri, and indeed in it is involved the prosperity of the Union.

"The people will not become apprised of these facts until the question is agitated in the public journals; there is an indifference on the public mind, an apathy, which is unaccountable. This supineness should be shaken off and this subject viewed in all its bearings in order that a healthy state of opinion may be aroused before has come the tug of war.

"Efforts have been made and ere long they will be repeated to establish a regular territorial government in Nebraska, which will be succeeded in unless efforts are made to prevent it, after which application will be made for admission as a State and as a *free* State.

"Who will doubt but that Nebraska will be a free State, if she be allowed to come in at all? By the Missouri Compromise all or the greater part of Nebraska is free territory. But if the Compromise is disregarded — still no other conclusion can be formed, if we suffer experience to teach us."

From such comments as this, and from the increasingly bitter personal attacks upon Benton,¹⁸³ it

¹⁸² The *Jefferson Examiner*, quoted in the *Jefferson Inquirer*, October 22, 1853. No more is quoted than is given above.

¹⁸³ In the latest of Atchison's speeches delivered in the campaign of 1853, of which I have found any report, namely, the one delivered at Fayette early in November, occurs the following diatribe:

"As an instance of his egotism and effrontery in his Monroe county letter, Colonel Benton writes that Atchison does not contradict *him*. But all this slang of Benton's would have been unnoticed by him [Atchison] had it not been for the injustice Benton was doing the people, saying nothing of his fulsome falsehoods, to say nothing of his lies. Benton's arguments upon this subject [the right of immediate settlement in Nebraska] would disgrace any pettifogger in the State; false conclusions drawn from stupid assumptions were characteristic of the man. In his monomania the *ignis fatuus* self obscures every shadow of self-respect or regard for the truth. Nothing is too high or holy for his animadversion and misrepresentation. In him the honors of office and the gray hairs of age are alike prostituted to the unholy purpose of giving credit to his

is obvious that Senator Atchison was not experiencing any feeling of assurance of ultimate victory over Benton. Indeed the political situation throughout the summer and fall of 1853 was full of difficulty for Mr. Atchison.

In order to recover the ground lost as a result of Benton's unexpected manœuvres, Atchison could not fail to perceive that he too must assume at the earliest possible moment an aggressive Nebraska policy. At the same time he was confronted by his inconsistency in having first opposed and finally supported, in the face of his radical pro-slavery utterances, a Nebraska territorial bill retaining the Missouri Compromise restriction. Stung by the newspaper attacks of which an example has been quoted from the *Jefferson Inquirer*, Atchison realized that to regain the confidence of his constituents, he must explain to them even more fully and satisfactorily than he had explained to the Senate the reasons for his recent inconsistency. For the future the only course open to him was to assume a position in regard to Nebraska which should not only harmonize both with his former pro-slavery utterances and with the interests of his slaveholding constituents and the desire of the western section of the State for the early organization of the new Territory, but

filthy vituperations. Even Congress by him is dragged from the high position of reflecting the sentiments of an intelligent and virtuous people to the lewd embrace of a common courtesan. 'From the abundance of the heart the mouth speaketh' is an assertion of Holy Writ that points to the steeps from which emanates all this loathsome effluvia, Benton's heart, the blackness of whose conceptions would induce a Nero to pluck it from his polluted bosom; and yet he would sit as an umpire upon the action of Congress which he denounces for its ignorance and stupidity. . . .'"
Reported in the *Jefferson Inquirer*, November 14, 1853.

which should also be essentially different from Benton's Nebraska policy. As early as his speeches at Weston and Platte City in June,¹⁸⁴ Senator Atchison seems to have discovered the best, in fact the only, card to play with the prospect of winning; and as the campaign progressed he played that card with increasing assurance and aggressiveness — one may almost say desperation. He took great pains in these speeches and in his speeches at Parkville¹⁸⁵ in August, and at Fayette in November, 1853,¹⁸⁶ to define his position with reference to Nebraska. One reason offered in explanation of his early opposition to the Nebraska bill was based upon the same economic consideration which he had stated to the Senate. A second reason was based upon Indian considerations:

"All the [Nebraska] territory of much value was in the possession and occupation of various tribes of Indians. This possession and occupation was guaranteed by treaties, and with some of those tribes we had stipulations not to form a territorial or state government. . . . It therefore becomes necessary for us before a government can be organized to maintain inviolate our plighted faith by extinguishing the Indian titles to the land and obtain their consent to the formation of a territorial or state government."¹⁸⁷

The third and most important reason of all related to the subject of slavery in the new Territory, and upon this Senator Atchison made a special effort to clarify and emphasize his position, past, present and future. At Weston and Platte City he said:

¹⁸⁴ June 6 and 11, respectively. Reported in the *Missouri Republican*, June 22, 1853.

¹⁸⁵ August 6. Reported in *Missouri Republican*, August 31, 1853.

¹⁸⁶ Reported in *Jefferson Inquirer*, November 14, 1853.

¹⁸⁷ Quoted from the speeches at Weston and Platte City.

Colonel Benton and others "had assumed that slavery was excluded from that Territory by the law commonly called the Missouri Compromise. If so, *I was then and am now opposed to interfering with that Territory unless that restriction can be removed.*¹⁸⁸ I was in favor of, and did vote for, the *appropriation* of money to enable the President to make treaties with the Indians to extinguish their title to lands upon which they reside, and to obtain their consent to the organization of a territorial government, and this was all that Congress should in my opinion have done in the premises at the last session. Now . . . I will tell you what I will do. I will vote for the ratification of treaties to extinguish the Indian titles to lands in that Territory and I will support a bill to organize a government for the Territory *upon the condition that such bill contains no restriction upon the subject of slavery, and not otherwise.* I will vote for a bill that leaves the slaveholder and the non-slaveholder upon terms of equality. *I am willing that the people who may settle there and who have the deepest interest in this question should decide it for themselves.* As a very large and respectable portion of my constituents are directly or indirectly interested in slave property, I am unwilling that they with this species of property should be excluded. I will give no advantage to one citizen over another. Mr. Abelard Guthrie, in an address or circular to his constituents says that 'Atchison politely told him that he would see the Territory of Nebraska sunk in hell before he would vote for it as freesoil territory.' . . . I do not remember of making use of expressions so emphatic but I will not deny it. I may have said so. But that there may be no mistake and that I may not be misunderstood hereafter, *I now say emphatically that I will not vote for any bill that makes Nebraska a freesoil Territory.* I have not, and I do not intend upon any occasion to yield one inch to the spirit of freesoilism and abolitionism, whether they exhibit themselves here at home or in Washington. Our old Senator of thirty years standing, 'he who is known in Europe and America' and who will be known if his own account of things proves true to 'posterity' is

¹⁸⁸ The italics in this paragraph are mine.

the author of all the doubts and misgivings as to my position upon this question.

"Permit me now to ask what has this distinguished personage who has been Senator from Missouri for so long a time done upon this subject? What has he done toward organizing and settling the Nebraska Territory? What has he ever attempted to do? Did he ever introduce a bill to organize a government or to extinguish the Indian titles in that Territory? If he did, when and where? He has only been absent from the Senate since the fourth of March, 1851, not quite twenty-seven months. What has filled him so brimful with fiery zeal and hot haste? What has induced him to make assertions which he knew not to be true as to the opinions and actions of myself and others? . . . Duty to himself and the State he in part represents should have called forth . . . under other circumstances than those which now surround him an exhibition of this latter-day zeal upon this and kindred subjects. This was necessary to prevent his sincerity being now doubted and his motives impugned."¹⁸⁹

On the sixth of August, at Parkville, Mr. Atchison explained his position with much more amplification:

"Colonel Benton, Mr. Webster, Mr. Clay and others told us that the Act of 1820, commonly called the Missouri Compromise, excluded slavery from this Territory and Congress had the power to pass such a law, and that it was constitutional, and so forth. Benton in one of his speeches declared that there was no slave territory belonging to the United States; that Mexican law excluded slavery from the territory acquired by the treaty with that Republic at the close of the war; that the Missouri Compromise excluded slavery from all the Louisiana country north of $36^{\circ} 30'$ not included in the limits of the State of Missouri (this very Territory of Nebraska). Was it then strange that I should hesitate about sustaining Mr. Hall's bill? Missouri is and always has been a slave State. A large portion of my constituents are slaveholders. Could it be expected that I would be very

¹⁸⁹ See also editorial in the *Missouri Republican*, January 31, 1854.

anxious about organizing a Territory from which a large portion of my constituents would be excluded? The State of Missouri is now bounded on two sides by free States; organize this Territory as free territory then we are bounded on three sides by free States or Territories.

“What would be the effect upon slave property in Missouri and in this neighborhood it requires no prophet to tell. It is a problem not difficult to solve. The free States have a pious and philanthropic class of men who observe the ‘higher law’ and whose duty it is to attend to other people’s business and think that they are rendering God good service in stealing their neighbors’ negroes. But, fellow citizens, that I may be clearly understood in relation to this point, *I now declare to you that I will not vote for a bill to organize a government for the Territory of Nebraska unless that bill leaves the Territory open for settlement to all the people of the United States without restriction or limitation; open to the slaveholder as well as to the non-slaveholder.*¹⁹⁰ I will vote for no bill that directly or indirectly makes a discrimination between the citizens of the different States of this Union, North or South, slave or non-slaveholding; no bill that strikes at the equality of the States of this Confederacy.

“At the last session of Congress an appropriation was made to enable the President to negotiate treaties with the Indians for the purpose of obtaining their consent to the organization of a government and to purchase their lands for settlement by the white men. This was the object of the appropriation and I voted for it; and I doubt not but that the object of the appropriation will be carried out by the President before the meeting of the next Congress. If so, *then I will vote for and use all the influence I have in favor of a bill to organize a government and to promote its settlement upon the principles I have indicated.*¹⁹⁰

“When Nebraska shall be settled and its people desire to enter this Union as a State, it is the right of the people to form their institutions to suit themselves. They may adopt slavery as one of their institutions or they may exclude it, as they shall deem expedient. If it is the will of a majority of the people of the

¹⁹⁰ The italics are mine.

Territory at that time to exclude slavery, be it so. It is their business, not ours. Let them present us with a republican form of government, this is all that shall be asked. I would vote its admission into the Union. The Territories of the United States, preparatory to their admission into the Union as States, have the right to form their own institutions, as much so as States of the Union have a right to change their institutions.

"No person will deny the right of South Carolina to abolish slavery. None will deny the right of Massachusetts to establish slavery. The Territories have the same right when they form their Constitutions and ask admission into this Union as States.¹⁹¹

"Now am I understood? If there is anything doubtful in my position, I will thank any gentleman to catechize me that I may be clearly and distinctly understood, for I desire upon this question to be understood. I know that my opinion upon this subject has been by some misunderstood and others misrepresented. No person questions me? Then I am understood. . . ."

The reader has doubtless observed that in none of the foregoing declarations has Senator Atchison directly and frankly championed the repeal of the Missouri Compromise. No pledge has been given that he will endeavor at the coming session of Congress to accomplish the Repeal. All his declarations bearing upon this point are made with a certain reservation; all are in the negative form, and from them no such pledge can with perfect certainty be inferred. It becomes important therefore to know how these declarations were understood in Missouri at the time. No direct evidence has been found showing how Atchison's friends regarded them, but under all the circumstances it is not unfair to accept the interpre-

¹⁹¹ Compare the phraseology of this and the preceding paragraph with the language used by Douglas upon the same point in his speeches of January 30, and May 25, 1854; *Cong. Globe*, xxviii, Pt. i, 275, 941, and *ibid.*, xxxi, 755 ff.

tation placed upon them by the leading Benton newspapers.

The following editorial, taken from the *St. Joseph Gazette*,¹⁹² a Benton organ, is probably the first public statement in which the significance of the issues between Benton and Atchison over Nebraska is directly associated with the compromise measures of 1850 and with the national party platforms of 1852. The charges here brought against Atchison, it will be seen, do not differ essentially from those generally brought against Douglas for his supposed origination of the Repeal.

“. . . . Atchison says he will never vote for a bill to organize the Territory without the restrictive clause upon the subject of slavery is removed, or in other words without virtually repealing the Missouri Compromise. The only safety to the slave States consists in our opinion in a rigid adherence to this measure. How could Gen. Atchison carry out the policy he now advocates without disturbing the Compromise measures and opening afresh the slavery excitement which has agitated this Union from its circumference to its center. Have not Democrats been denounced as agitators of the slavery question for endeavoring to repeal the Jackson resolutions? How then can Gen. Atchison escape the same charge and that too, by his own friends when he is advocating the repeal of that restrictive clause referred to! Are we not all as Democrats pledged to abide by the Compromise measures? But Gen. Atchison now says he will not vote for a bill organizing Nebraska without the restrictive clause on slavery is removed. Then he is unwilling to abide by the settlement of that question which is now recognized as the law of the land. Who, then we ask, are the slavery agitators? Let Gen. Atchison and those who advocate his doctrines answer. For our part we are content to let that question rest forever.”

¹⁹² Quoted in the *Jefferson Inquirer*, October 12, 1853.

A few days later the following appeared in the *Jefferson Inquirer*:¹⁹³

"The Union is to be again threatened with dissolution, if a territorial government is organized in that Territory, the Missouri Compromise is to be *disregarded*, and Nebraska is to be kept out of the Union! unless Congress will first establish slavery in the Territory and then deny to the people the right to reject it. . . . Senator Atchison . . . declares his opposition to the organization of the territorial government of Nebraska unless Congress 'will repeal the slavery restriction,' or in other words set aside the Missouri Compromise! What becomes of the Baltimore platform and the Compromise acts when California was admitted to the Union, and why does Senator Atchison now seek to renew the slavery agitation? . . . No matter for consistency or for right. The organization and admission of Nebraska must be opposed because Colonel Benton and his friends favor it."

The Benton newspapers, it must be admitted, endeavored to put the worst possible interpretation upon the words and declarations of Senator Atchison. In view of all the evidence, however, it is difficult to believe that they did any violence to his real intentions or to the real significance of his utterances. There can be no mistaking the most important issue between these two warring factions in Missouri in the summer and autumn of 1853: that issue is nothing less than the retention or the repeal of the Missouri Compromise in connection with the organization of a territorial government in Nebraska at the next session of Congress.

At the close of the 32d Congress and the re-opening of the senatorial contest in the spring of 1853 we saw¹⁹⁴ good reason to predict that if the repeal

¹⁹³ October 22, 1853.

¹⁹⁴ See page 106.

of the Missouri Compromise should ever appear feasible, if upon its consummation his political career depended, Senator Atchison would be found actively supporting it. We have now seen that Benton's bewildering aggressiveness in forcing to the front the question of the Pacific railroad and a territorial government for Nebraska, in misrepresenting Atchison's position regarding both of these measures, in strenuously endeavoring to undermine Atchison's political support by proclaiming the right of immediate settlement in Nebraska — had placed Senator Atchison in a most embarrassing position, a position in which his very political life seemed at stake. In this crisis and in order to extricate himself Senator Atchison assumed the dangerous rôle of champion of the repeal of the Missouri Compromise and pledged his support to the Nebraska territorial bill *only on the condition that the Compromise restriction should be repealed.* Thus the issues between these aspirants for the Senatorial seat arise out of subjects peculiarly within the scope of Congressional legislation. It seems safe to predict, therefore, that the contest will appear in Washington in some form or other, since there alone can the issues be finally determined. Before, however, taking up the Washington aspects of the Missouri Senatorial fight some attention must be given to other agencies at work in 1853 seeking to compel action by the next Congress respecting the establishment of a territorial government for Nebraska.

CHAPTER V

The Provisional Government of Nebraska—Rev. Thomas Johnson—The Commissioner of Indian Affairs Visits Nebraska—Charges against Him.

Mention has been made in the preceding chapter of the interest with which the Wyandott Indians living near the confluence of the Kansas and Missouri rivers had watched the great emigration through the Nebraska country and the subsequent discussions of the Pacific railway; also of the efforts of Mr. Guthrie as their representative, to force upon the attention of the second session of the 32d Congress the subject of a territorial government. If, as Colonel Benton kept publicly reiterating, the creation of a territorial government in Nebraska was a step necessary, preliminary and indispensable to the construction of the railway along the “central” route, it was clearly to their interest to persevere in active steps looking toward the early establishment of such government. The “central” route would pass directly through their lands, and hence would greatly enhance all values there. In this direction, therefore, lay their chief interest in the creation of the territorial government.¹⁹⁵ A consideration of more immediate con-

¹⁹⁵ With the Wyandotts, the chief grounds of interest in the territorial question were, at the beginning, quite unconnected with the subject of slavery. It was not long, however, before that subject entered to complicate matters.

cern related to the recent passage by Congress of an Act authorizing the President to enter into negotiations with the Indians in Nebraska for the sale of their lands, and making an appropriation for that purpose.¹⁹⁶ From the adjournment of Congress in March, 1853, until July of that year, we have no very clear evidence of what took place among them.

Up to this time, apparently, the Wyandotts had not only taken the initiative among the inhabitants of Nebraska, but they seem to have acted throughout without the coöperation or assistance of the other emigrant tribes living near them. But as the magnitude of the undertaking became more evident, they realized the need and importance of enlisting the active interest of the other emigrant tribes who might also profit by the construction of the Pacific railroad. Steps were accordingly taken by the Wyandott leaders in the spring and early summer of 1853 to rekindle the council fire of the old northeastern league among the emigrant tribes in Nebraska. Out of this movement arose the organization of the "Provisional Government of Nebraska," which was immediately followed by the first struggle on Kansas soil between the pro-slavery and anti-slavery parties.

In May, 1853, an informal meeting of the chief men among the Wyandotts and the other emigrant tribes in Nebraska, located upon the borders of Missouri and Iowa, was held for the purpose of seriously considering their interests.¹⁹⁷ It was decided to issue

¹⁹⁶ See pages 90, 91.

¹⁹⁷ Kan. Hist. Soc. *Trans.*, vi, 104. Connelley's *Prov. Gov.*, 30.

a call for a convention of delegates from the various emigrant tribes to meet early in August at the Council House of the Wyandott Nation, with the object of effecting the organization of a provisional government for Nebraska. For some reason not definitely known, the date of the meeting was changed to the twenty-sixth of July.

The call for this convention was issued after Colonel Benton had begun to advocate publicly the immediate settlement of Nebraska by white men. It appears, furthermore, that Benton was advised of the contemplated convention, and approved it. There is also slight ground for believing that he had even urged it himself.¹⁹⁸

The Convention met on July 26.¹⁹⁹ A long

¹⁹⁸ Such a course on his part would have been quite in keeping with his public utterances in the summer of 1853. Moreover, it is very evident that the interest and aims of the Wyandotts and of Colonel Benton, if they did not exactly coincide, at all events tended strongly to converge.—Kan. Hist. Soc. *Trans.*, vi, 105; Connelley's *Prov. Gov.*, 31.

"The politicians resident in Nebraska," wrote the editor of the Bloomington (Mo.) *Republican* after a visit to the Wyandotts in the fall of 1853, "cannot keep out of Missouri nor the Missouri politicians out of Nebraska. The Indians seem to understand Col. Benton, if Missouri does not. They are divided, one party supports freesoilism, while the other is opposed to it; and both agree that the Colonel is the friend and supporter of freesoil and is upon good terms with the Abolitionists."—Quoted in the *Iowa State Gazette*, November 9, 1853.

¹⁹⁹ "We are informed that one of the gentlemen present at this meeting reports the whole number who took part in it at fifteen. These were persons residing in the Territory under permits as traders, or as connected with the mission. . . . We do not therefore look upon this meeting as a fact having any important bearing on the question of organization. Organization is nevertheless impatiently desired by a portion of the people of Missouri and should not be delayed beyond another Congress." *National Intelligencer*, August 16, 1853, quoting *St. Louis Intelligencer*.

series of resolutions was adopted.²⁰⁰ One was "expressive of the Convention's preference of the Great Central Rail Road Route;" another, of its regret at the failure of the last Congress to establish a territorial government in Nebraska. This subject was earnestly recommended to the consideration of the next Congress, and the earliest possible passage of such an act was urged.

Though these resolutions contain no mention of slavery, they were not passed without a discussion which revealed sharp differences of opinion regarding that subject and brought out the fact that there were delegates present who sympathized with the pro-slavery, or Atchisonian, party in Missouri. Thus in the resolutions as originally proposed, "a profound sense of obligation to Hon. Thomas H. Benton and to Willard P. Hall of Missouri" led to the inclusion of a resolution expressive of grateful acknowledgment "for their generous and patriotic exertions in support of the rights and interests of our Territory."²⁰¹

"One speaker 'was opposed to inserting Benton's name, for it would damn any measure in Congress.' This was Gen. Whitfield²⁰² who thought the meeting premature, that the Indian title should be first extinguished. He was the agent of the Pottawatomies. Some of the speakers advocated the early organization

²⁰⁰ The resolutions are printed in full in *Kan. Hist. Soc. Trans.*, vi, 107-108, and in *Connelley's Prov. Gov.*, 43 ff.

²⁰¹ This is the account given in the *Parkville Luminary*, quoted in the *Missouri Republican*, August 8, 1853; see also the *New York Tribune*, November 2, 1853, quoting the *Cleveland Forest City*.

²⁰² J. W. Whitfield, a prominent figure in the later Kansas struggles; elected Delegate to Congress from Kansas, by the pro-slavery party, July 23, 1854.

of the Territory and its settlement as the means to securing the Pacific railroad.

"Gen. Whitfield again spoke with much force; that he was for compromise according to the late act; that the *Missouri Compromise* ought to be repealed; that men from all parts of the Union ought to have the privilege of bringing their property with them, from a negro to a spring jenny; he said *they might cry no agitation when slavery was excluded by the Missouri Compromise; for his part he should agitate and agitate until Southern men were permitted to take their slaves to the Territory*; he did not care personally whether it was finally made a slave State or not.

"Mr. Abelard Guthrie spoke in a quiet and sensible manner. He was opposed to agitation; wanted a territorial government organized like Utah without any allusion to the subject of slavery; and then have the polls open and let the citizens themselves decide the question pro or con;²⁰³ and like every other good citizen he was willing to abide the decision of the majority.

"Rev. Thomas Johnson moved to strike out the fifth resolution [the one in which reference was made to Benton and Hall's efforts in behalf of the territory]. He was opposed to personal matters in this Convention; in praising two men they had perhaps left out others equally meritorious; he was opposed to furnishing a hobby for any man to ride on; thought these names would prejudice their interests; that it was bad policy to say the least.

"Gen. Whitfield was also opposed to the resolution; he did not want the railroad or Nebraska bill to 'tote any man through, or any man to tote them through.'

"Mr. Guthrie said he knew that when the bill in the last Congress had few friends that Mr. Hall and Col. Benton used untiring exertions to carry it through; that Nebraska owed them a debt of gratitude; he wanted the Convention to take a stand above personal prejudices; where shall we look for friends if we prove ungrateful and refuse to acknowledge meritorious services.

"The friends of the resolution appeared willing in order to

²⁰³ The italics are mine.

appease the opposition to let them lay it on the table without voting to sustain it.”²⁰⁴

Other resolutions authorized the calling of an election of a Delegate to Congress on the second Tuesday of October, the nomination of a Delegate by the Convention then in session, and the immediate election by the Convention of “a provisional governor, a provisional secretary of state and a council of three persons.” William Walker²⁰⁵ was thereupon elected Provisional Governor, G. I. Clark, Secretary of the Territory, and O. C. Miller, Isaac Mundy and M. R. Walker, Councilmen; and the Convention nominated Mr. Abelard Guthrie as candidate for Delegate to Congress. Rev. Thomas Johnson was also nominated, but at the time he declined to run as an opposition candidate.

On the first day of August, 1853, Governor Walker issued his proclamation for the election of a Territorial Delegate, to be held on the second Tuesday in October, and two hundred copies of the proclamation were printed for circulation throughout the Territory.²⁰⁶ A few days afterwards, another Conven-

²⁰⁴ The *Missouri Republican*, in commenting upon the account given above, said: “We understand indeed that this Convention was composed of about a dozen individuals of the territory, and that it was managed by one or two persons. It will only make work for the President.”

²⁰⁵ Kan. Hist. Soc. *Trans.*, vi, 107 ff, and Connelley’s *Prov. Gov.*, 33 ff. Walker was at this time head chief of the Wyandotts, and the most influential man in the tribe. After the War of 1812 he was for some years the private secretary of General Cass. He was an ardent Democrat, of pro-slavery sympathies, and was a member of the Lecompton constitutional convention. Sketches of Walker, and the other men mentioned in the text, may be found in Connelley’s *Prov. Gov.*.

²⁰⁶ This proclamation is in Connelley’s *Prov. Gov.*, 47, and the *National Intelligencer*, August 25, 1853. It was issued two days before

tion was called at Kickapoo on the twentieth of September. Mr. Thomas Johnson was again nominated, and yielding to the wishes of his friends, became a candidate for Delegate in opposition to Guthrie.²⁰⁷

Atchison wrote to the Secretary of the Interior regarding the right of white men to settle in Nebraska without further action by Congress.

²⁰⁷ Governor Walker's "Notes on the History of Nebraska," in Connelley's *Prov. Gov.*, 58. "Abelard Guthrie was put forward by friends of Thomas H. Benton; Rev. Thomas Johnson by friends of David R. Atchison." — Wilder's *Annals of Kansas*, 31; see also N. Y. *Tribune*, November 2, and November 7, 1853. The following uncomplimentary sketch of Rev. Thomas Johnson is found in Phillips's *Conquest of Kansas*, 16-17: "Close to the frontier of Missouri, and within a few miles of Westport, stands one of the oldest missions in the [Nebraska] Territory, the celebrated 'Shawnee Mission' of the Methodist Church South. Three sections of the very finest land were granted by the Shawnees to this mission; besides which, no inconsiderable portion of Government money and percentage on the Indian annuities have been expended in erecting three or four massive and extensive, but taste-less and filthy looking, brick buildings, and in converting those three sections of fertile Indian land into a well-improved and beautiful farm, which I have heard estimated worth sixty thousand dollars. In the progress of events, and by a system of management which I cannot comprehend, much less explain, two sections of this farm, containing many of the best improvements, have fallen into the hands of the present head of the Mission, the Rev. Thomas Johnson.

"Some twenty years ago when this worthy came to Kansas, he was, as I have been told, 'not worth a blanket.' By 'breaking the bread of life' to others, he seems haply to have acquired a reasonable portion of the baser, or 'of the earth earthy' bread himself. . . . The Rev. Tom Johnson is a western man. Vulgar, illiterate and coarse, I have heard his voice ring through the dingy brick wall of the Shawnee Mission in prayer, his style being characterized chiefly by extreme western provincialisms and very bad grammar. A violent pro-slavery partisan, he has been a useful tool in his way. His name may be found figuring in some of the most violent of the pro-slavery partisan meetings. . . ." A more complimentary sketch is given by Mr. Connelley in his *Provisional Government*, 40 n: "Rev. Thomas Johnson was born in Virginia, July 11, 1802. He was assassinated in his own home in Kansas, near Westport, Mo., January 2, 1865. He was sent by the M. E. Church to preach to the Shawnees in the 'Indian Territory' in 1829. After laboring here for some time, he was compelled to abandon his work on account of poor health, and he then moved to Fayette, Mo. In 1847 he was prevailed upon to

The Kickapoo Convention also adopted a series of resolutions, the most important of which must have been inspired by some one in close touch with the leaders of the Atchisonian party in Missouri:²⁰⁸

"Resolution 1. That the growing interest of the Territory seems to demand the extinguishment of the present Indian titles and that we are highly gratified to see that the General Government is taking active steps to consummate this most desired object.

"2. That although we earnestly desire and ask for a speedy organization, nevertheless we deem it imprudent to establish a territorial government until after the titles of the present owners of the soil are extinguished, believing as we do, that the Indians have certain rights guaranteed to them by the Government, which must be respected.

"3. That we fully concur in the views expressed by Colonel Manypenny, Commissioner of Indian Affairs, in regard to the present settlement by the whites.

"4. That we know no North, no South, no East, no West, and desire the organization of a territorial government without any restriction but having due regard to the interest of every portion of our glorious Union.

"5. That we deem it expedient that we should be represented in Washington this winter and that we do in Convention assembled

resume his work in the Shawnee Mission Schools. From this time until his death he was prominent in the councils of the Price-Atchison Democracy of Missouri in their efforts to introduce slavery into Nebraska and Kansas. He was elected President of the first Territorial Council of Kansas Territory, in 1855. This was the 'Upper House' of the Legislature that enacted the 'Bogus Laws.' . . . Mr. Johnson was a good man. The cause which he believed a holy one was in fact a bad one and was hastened to destruction by the madness of its advocates. His belief in its righteousness is not surprising, for it had been instilled into his mind from infancy. He did what he believed to be right. He was a true and humble Christian and an eloquent and earnest minister of the Gospel." Mr. Connelly refers to "an excellent biography of Mr. Johnson" in Andreas's *History of Kansas*, 300. See also "The Methodist Missions among the Indian Tribes in Kansas," by Rev. J. J. Lutz, in Kan. Hist. Soc. *Trans.*, ix, 160 ff. and a description of the Shawnee Mission in Kan. Hist. Soc. *Trans.*, viii, 256, 333.

²⁰⁸ The resolutions are in the *Missouri Republican*, September 29, 1853.

nominate a suitable person, free from all sectional prejudices and partialities, having the true interest of the Territory at heart."

The sixth resolution accordingly provided for the election of a territorial delegate to be held on the same day fixed by the Wyandott Convention at its session of July 26, the polls to be located at sixteen different places in the Territory.

"8. That we are in favor of the immediate construction of the Pacific railroad and that we believe the organization of Nebraska Territory will advance this great national work. . . ."

Thus the two rival candidates for the office of Territorial Delegate were standing upon platforms in which the only common features were the desire for the early extinguishment of Indian titles in Nebraska, and the organization of a territorial government as a means of facilitating the construction of the Pacific railroad. Otherwise, Guthrie apparently represented the Bentonian, Johnson, the Atchisonian, policies.²⁰⁹

The election of Territorial Delegate took place, in accordance with the proclamation of Governor Walker, on the eleventh day of October, 1853. The votes were cast in several different localities or pre-

²⁰⁹ Upon the subject of slavery, little was said in these resolutions, but it seemed to be understood that the candidate of the Kickapoo Convention represented an element desiring the repeal of the Missouri Compromise restriction, and that the candidate of the Wyandott Convention, although opposed to a reagitation of the slavery question, was willing to go so far as to leave the decision respecting slavery to the people who might settle the new Territory, which was essentially the position of Mr. Douglas. In this way the subject of slavery was thus early injected into the nascent politics of the embryonic Territory. Here really began the "struggle for Kansas," even before the creation of the Territory. See the *New York Tribune*, November 2, 1853, quoting the *Cleveland Forest City* and the *Missouri Democrat*; and November 7, 1853, quoting the *Washington Star*.

cincts. Regarding the result in the Wyandott precinct, Governor Walker's journal says:

"Tuesday, October 11, 1853. Attended the election of delegate to Congress, for Wyandott precinct. Fifty one votes were polled.

"A. Guthrie	33
"Tom Johnson	18

"The priesthood of the M. E. Church made unusual exertions to obtain a majority for their *holy brother*. Amidst the exertions of their obsequious tools it was apparent that it was an uphill piece of business in Wyandott." ²¹⁰

On October 31 we find Governor Walker conceding and explaining the election of Rev. Mr. Johnson, before the returns were canvassed, in the following entry:

"I suppose we may safely set down Thomas Johnson's election for delegate as certain. It is not at all surprising, when we look at the fearful odds between the opposing candidates. Mr. Guthrie had only his personal friends to support him with their votes and influence, while the former had the whole power of the Federal Government, the presence and active support of the Commissioner of Indian Affairs, the military, the Indian Agents, Missionaries, Indian Traders, &c. A combined power that is irresistible." ²¹¹

The returns were canvassed on the seventh of November and "it was found that Thomas Johnson of Shawnee had received a majority of all the votes cast," and accordingly he "was declared duly elected." ²¹² On the following day the proper certificate of election was issued to Mr. Johnson, by Governor Walker.

²¹⁰ Connelley's *Prov. Gov.*, 38. Kan. Hist. Soc. *Trans.*, vi, 109.

²¹¹ Connelley's *Prov. Gov.*, 39. Kan. Hist. Soc. *Trans.*, vi, 109. N. Y. *Tribune*, Nov. 2, 1853, quoting the Cleveland *Forest City*; and Nov. 14, 1853.

²¹² Connelley's *Prov. Gov.*, 39, 58. *Cong. Globe*, xxviii, Pt. i, 75.

Commenting afterwards upon the proceeding in reference to the establishment of a provisional government in Nebraska and the election of a Territorial Delegate, Governor Walker said:

"Many politicians and editors of the public journals whose standard of political morals was of the straitest kind viewed these proceedings with decided aversion and regarded them as revolutionary, etc., mobocratic, law-defying, unprecedented, illegal; forgetting the several provisional governments of California, Oregon, New Mexico, etc.

"It is here worthy of remark that in each of the emigrant tribes of Indians elections were held and they voluntarily and freely participated in them; showing that they anticipated and were prepared for the change in their political condition which they saw would soon be wrought out. As was the case with Mr. Guthrie who was elected delegate the year previous, Congress being averse to a departure from 'the line of safe precedent,' by admitting delegates from unorganized territories, refused to admit Mr. Johnson to a seat in that body. The provisional government of Nebraska continued in existence till after the organization by Congress of the two Territories and the arrival of A. H. Reeder, the first Governor of Kansas."²¹³

The election of Mr. Johnson and the defeat of Mr. Guthrie, their own candidate, was far from pleasing to the Wyandotts:

They "felt outraged by the action of the Commissioner of Indian Affairs but as their interests were so largely in his hands they could do nothing else than submit without protest, and this they all did, except Mr. Guthrie. He filed a contest for the seat of Delegate and vigorously attacked the Commissioner of Indian Affairs in the public prints."²¹⁴ He spent a portion of the winter in Washington and labored for the territorial government of Nebraska until he was convinced that the slave power would

²¹³ "Notes on the History of Nebraska," in Connelley's *Prov. Gov.*, 60.

²¹⁴ Connelley's *Prov. Gov.*, 40. Kan. Hist. Soc. *Trans.*, vi, 110.

organize two Territories and endeavor to make one slave, and permit the other to come into the Union, free.”²¹⁵

²¹⁵ In relation to Mr. Guthrie's attack upon Col. Manypenny, Governor Walker, who could not fairly be called friendly to Manypenny, has this to say in his Journal, which shows that in his opinion the attack was not wholly justifiable or kept within the bounds of accuracy.

“Saturday, November 12, 1853.

“Wrote a communication to Col. Manypenny, Commissioner of Indian Affairs, correcting an error in a communication published in the *Missouri Democrat* [Bentonian] by Mr. A. Guthrie, in relation to a speech delivered by the former to the Wyandott Council.

“Thursday, January 12, 1854.

“Recd. two letters from A. Guthrie. In trouble again. Wants certificates to prove his charges against Commissioner Manypenny. I can't help him much.

“Saturday, January 28, 1854.

“Recd. an ‘Ohio State Journal.’ This is the amount of my mail. Guthrie out on Col. Manypenny again. The former, I fear, will come off second best. He is imprudent and rash.” — Connelley's *Prov. Gov.*, 40.

In a letter to the editor of the *New York Tribune*, published in that paper, August 9, 1856, Mr. Guthrie gives this account of the circumstances connected with the Convention of July 23, and the subsequent election of a territorial delegate:

“In the autumn of 1853, a convention of the people of the Territory assembled at Wyandotte, and established a provisional government — a measure first suggested and the plan proposed by myself. At this convention I was nominated for reëlection. But a portion of the convention voted and another convention was called at which Mr. Thomas Johnson was nominated as my competitor. The Chief of the Indian Bureau at Washington, sided both by money and personal influence, with my opponent. This I can prove. The repeal of the Missouri Compromise was now first agitated [in the Territory] and it was thought important to success that the Territory should be represented by one favorable to that measure. Hence the interference. And as all the Indian agents were under the control of the Government, they obtained a very large Indian vote — persons who were not citizens of the United States, nor willing to become such, and who voted against me, because these agents told them ‘if they did not do so I would be elected and bring them under the white man's laws.’ But a majority of actual citizens voted for me, yet the certificate of election was given to my competitor by the provisional governor. I contested the election, but the committee on elections, to whom the subject was referred, never came to any decision thereon. Mr. Johnson obtained lucrative employment in the Indian Department, and through the instrumentality of Indian treaties made himself rich, and I was taken

The allusions to the Commissioner of Indian Affairs found in the last few pages, require some explanation. Less than three weeks²¹⁶ after Governor Walker had issued his proclamation for the election of a Territorial Delegate, Colonel George W. Manypenny, the Commissioner of Indian Affairs, was designated by the President to conduct the negotiations with the Indians west of Missouri and Iowa, contemplated by the Act of March 3, 1853.²¹⁷ Immediately upon the receipt of this communication, the Commissioner left Washington and "repaired to the Indian country to discharge the preliminary duties embraced" in his instructions.²¹⁸

The Commissioner entered the Indian country on the second of September, and remained there until the eleventh day of October, the day set for the election of Territorial Delegate. The interim, so the Commissioner stated in his report, was occupied "in visiting, and talking with various tribes, and in obtaining from all known sources of credit within [his]

sick and have been on the verge of the grave most of the time since."

Reprinted in Connelley's *Prov. Gov.*, 80 ff.

²¹⁶ August 18, 1853. This was two days after Manypenny, at the request of the Secretary of the Interior, had replied to Atchison's inquiry, regarding the right to settle in Nebraska. See pages 125-127.

²¹⁷ Report of the Commissioner of Indian Affairs, November 9, 1853, in *House Executive Documents*, 1st Sess., 33d Cong., i, Pt. i, 269 ff. The substance of this special report is embodied in the general annual report of the Commissioner, November 26, 1853, *ibid.*, 243 ff.

²¹⁸ "This [referring to Manypenny's visit to the Indian country] will be a measure of great importance in its results, opening the way to a legal occupation of the Pacific route by settlers, and giving countenance to the squatters who have already rushed into the country without permission. Its very natural consequence will be to necessitate the passage of a bill by the next Congress establishing a Territorial Government of Nebraska." *National Intelligencer*, August 27, 1853, quoting the *North American*.

reach such information as might be useful and necessary in forming the basis of treaties as contemplated by the Act of Congress.”²¹⁹

Accompanied by the Rev. Thomas Johnson, Commissioner Manypenny on the sixth of September paid a visit to the Wyandotts, was introduced by Governor Walker, and made a short address to their Council then in session. A month later he had another interview with the Council.²²⁰ Evidently the Wyandotts were non-committal upon the subject

²¹⁹ The Commissioner's report of November 26, 1853, (249) states in more detail what was done: “A preliminary visit to the Indian country, with a view to explore it, and to obtain such information as would be useful and necessary in preparing full and detailed instructions as to the terms and conditions of the treaties to be negotiated, was deemed necessary, and was made by that officer [the Commissioner] in obedience to his instructions. While thus engaged, he visited the Omahas, [a brief account of the meeting with the Omahas and Ottoes may be found in the *National Intelligencer*, October 13, 1853], Ottoes, and Missouris, Iowas, Sacs and Foxes of Missouri, Kickapoos, Delawares, Shawnees, Wyandotts, Pottawatomies, Sacs and Foxes of the Mississippi, Chippewas of Swan Creek and Black river, Ottawas of Roche de Bœuf and Blanchard's fork, Weas and Piankeshaws, Kaskaskias and Peorias and Miamies. These embrace all the tribes located immediately west of Missouri and Iowa, except the bands of the Quapaws, Senecas and Shawnees, who have small tracts adjacent to the southwest corner of the State of Missouri, and who, for want of time, the commissioner was unable to visit. The same cause operated to prevent his seeing the Pawnees, Kansas and Osage Indians, with whom, although their lands are not contiguous to the boundaries of either of these States, it is desirable that treaties also be made, should a civil government be established and the country opened for settlement. The Commissioner held councils with every tribe whom he visited, and disclosed to them the object of his journey to their country.”

²²⁰ The entry in Governor Walker's journal for this date reads:

“Friday, October 7, 1853.—

“Attended a Council called by the Commissioner of Indian Affairs. Speeches were passed between the parties on the subject of the Territorial organization, [and] selling out to the Government.” — Connelley's *Prov. Gov.*, 38; *Kan. Hist. Soc. Trans.*, vi, 109.

of selling their lands, for the Commissioner stated in his report:

"They advised me that it was their desire, if the Territory of Nebraska should be organized, to make such changes in their civil polity, and their relations to the government, as to conform to the new order of things in the Territory; but did not give me their views in relation to their lands."

Before and after Colonel Manypenny's return to Washington, charges which were given wide circulation began to be made by the Benton press in Missouri, to the effect that while the Commissioner was among the Indians he had been actively working in the interest of Senator Atchison²²¹ and in sup-

²²¹ The repetition of these charges was not confined to the newspapers of Missouri: they were taken up by the press in the eastern States. For example, on the eighteenth of November, 1853, the editor of the *New York Evening Post*, after alluding to, and quoting, an explanation of Colonel Manypenny's failure to extinguish Indian titles in Nebraska, said: "The inference is that Mr. Manypenny has allowed himself to be made the instrument of Mr. Atchison in this matter. He makes a journey from Washington to Nebraska clothed with full power to arrange for the cession of Indian lands; he finds several tribes desirous of making the cession and he returns from his long journey having done nothing. When interrogated as to the cause of this omission he puts on an air of mystery and tells us that he has good and sufficient reasons. The public will be in no mood to believe in the validity of reasons which he is ashamed to disclose. The true reason, there is every ground for believing, is a connection with Mr. Atchison in the intrigue to prevent by any pretense whatever the settlement and organization of Nebraska." See also editorial in the same paper, November 15, 1853.

On December 21, 1853, Senator Atchison wrote to the editor of the *Missouri Examiner*, branding as false the charges that Colonel Manypenny was acting under "my dictation and direction in relation to Indian Affairs in what is now called 'Nebraska.' . . . I never spoke to him or wrote a line to him upon the subject of Indian affairs in Nebraska nor did he write or speak a word upon that subject to me until since my arrival in Washington, in November last, except the answer to my letter to the Secretary of the Interior [mentioned in Chapter IV]. I further say that I did not see Colonel Manypenny whilst he was in the western country last summer, nor did I send him any message or have the

port of Johnson as the Delegate to Congress; and that he had been guilty of a grave breach of official duty in departing from Nebraska without having negotiated any treaties with the Indians for the relinquishment of their lands. For the first of these charges a basis seems to have been furnished by the fact that the Commissioner had been escorted through the Indian country by Gen. J. W. Whitfield,²²² one of the most active pro-slavery men in the Territory, and by the fact that he had visited the Wyandotts first in the company of Rev. Thomas Johnson. From our knowledge of Whitfield, it is not unfair to assume that he was working for the success of Mr. Johnson who appears to have been in close touch with the Atchisonian faction in Missouri. This being true, it is not impossible that the name of the Commissioner became identified with the political activity of his guide, although the Commissioner himself might have wholly refrained from such activity.

To the second charge, greater importance was

least intercourse with him, directly or indirectly. Indeed, I do not believe that I was within thirty miles of him at any time during his visit to the Indian country." This letter is printed in the *Washington Union*, December 23, 1853. The *Union* makes this comment: "The letter of Senator Atchison . . . is an extinguisher on certain charges therein referred to, made against Colonel Manypenny. Few of our public men have been more violently or unjustly assailed than the able and popular Commissioner of Indian Affairs. But these attacks will prove harmless."

²²² In his report of November 9, 1853, the Commissioner said:

"I also acknowledge my obligations to General Whitfield, the agent for the Pottawatomies and Kansas Indians, who was my travelling companion the greater part of the time, for his good offices and the aid and assistance he rendered me." See also the *National Intelligencer*, October 13, 1853.

attached. The Benton press²²³ alleged that the failure of the Commissioner to negotiate treaties with the Indians was due solely to his pro-slavery sympathies²²⁴ and his partisanship for Senator Atchison, who was opposed to the immediate settlement of Nebraska, and hence desired all possible delay so long as the Missouri Compromise inhibition remained in force. This charge, however, finds little support, when the instructions issued to the Commissioner by the Secretary of the Interior are carefully examined. From these it appears that the object of the Commissioner's visit to Nebraska was not primarily to negotiate treaties. Whether or not treaties should be consummated during that visit was left to the sound discretion of the Commissioner. Here are the instructions upon this point:²²⁵

"It is believed . . . that much good will result from a preliminary visit among the Indians, and an exploration of the country in question; and for this purpose, and with a view to obtain all the information necessary to the preparation of full and detailed

²²³ The supporters of Benton had become embittered against Col. Manypenny during the controversy between Benton and Atchison over the legality of immediate settlement in Nebraska. The position taken by the Commissioner, it will be remembered, was directly in opposition to the claims advanced by Benton and directly in support of the opinions expressed by Atchison.

²²⁴ The following reference to Manypenny occurs in a letter of Salmon P. Chase to E. S. Hamlin, dated Washington, January 23, 1854: ". . . I suppose the Senatorial question decided by this time. Feeling no interest in it, since no man can be elected who is not pro-slavery, I only desire to call the attention of the people to a much greater matter [the proposed repeal of the Missouri Compromise]. I am sorry to hear that you have electioneered for Manypenny. I like him personally, but I would cut off my right hand sooner than aid him or any other man to reach a position in which he will make Ohio the vassal of the Slave Power." "Chase Correspondence," in Am. Hist. Assn., *Report*, 1902, ii, 257.

²²⁵ *House Ex. Doc.*, 1st Sess., 33d Cong., i, Pt. i, 269 ff.

instructions as to the terms and conditions of the treaties to be made, you are requested to proceed at once to the Indian country and discharge this preliminary duty.

"Should you deem it expedient and proper, however, to enter into any negotiations with the tribes in question, or either of them, for the extinguishment of their title to the lands now claimed by them, or for securing their assent to their settlement by citizens of the United States, you are fully authorized, in the exercise of a sound discretion, aided by your experience in the management of our Indian relations, to do so."

The reasons for the omission to negotiate any treaties are explained in the Commissioner's report. The explanation is interesting especially for the indications of some of the effects produced by Colonel Benton's Cole county letter and the subsequent agitation. The Commissioner said:

"As I approached the borders of the Indian country, I found some of the people discussing with considerable warmth, in the press and otherwise, the question whether that country was not then open to occupation and settlement by the citizens of the United States; and, in some instances, those who held to the right to settle in the Indian country had gone over to explore with the intention to locate in it.²²⁶ This discussion and these explorations had a very unfavorable influence on the Indian mind. The Indians were alarmed. Reports reached them that large bodies of white men were coming into their country to take possession of and drive them from it. Many of them were contemplating the necessity of defending themselves; and the proposition was abroad among some of the Indians for a grand council, at which they should (as one said to me) light up their fires after the old Indian fashion, and confederate for defence.

"From the time that the original Indian title to the country was extinguished, under the authority of the act of 28th May, 1830, and the tribes transplanted from the States and Territories east of the Mississippi and located in it, until after the adjournment

²²⁶ See also the *National Intelligencer*, November 5, 1853.

of the last Congress, it had always been considered a country set apart and dedicated to Indian uses and purposes; and it was equally well understood, before that time, that no person other than an Indian could reside there except by permission of the Government, and for a special purpose.

“The enunciation, therefore, of the opinion that the country was open to occupation and settlement, at the time it was promulgated, was most unfortunate. . . .

“I found it very difficult to quiet the Indians, and was unable to fully restore some of these people to the tranquil condition they were in before the discussion of the subject and exploration of their country commenced.

“In many councils the effect of this enunciation was evident; and in some instances I was unable, while in council, to obtain the calm consideration of the Indians to the subject-matter of my talk, owing to the excited state of their minds, resulting from the apprehension that their country was about to be taken from them without their consent, and without any consideration being paid them for it; and some even supposed that the object of my visit was to favor such a design.

“As I progressed in my journey, and the councils which I held with various tribes increased in number, I was happy to perceive a better state of feeling—a willingness to listen, to be advised, and an assurance of confidence and dependence on their great father, and a determination to receive favorably the message I bore from him to them. . . .

“Every tribe with whom I held council, with the exception of the Weas and Piankeshaws, the Peorias and Kaskaskias (who own only 256,000 acres), and the Shawnees, refused to dispose of any portion of their lands, as their first response to my talk. The small tribes above named proposed at once to dispose of the most of their land, and intimated that if they could make satisfactory arrangements for a home they would sell the whole of it.

“With several of the tribes I could have concluded treaties, but only on condition that each should reserve for a tribal home that part of their land adjoining the States. There are grave

objections to such a policy, involving alike the interests and peace of the citizens of the States, of those who may become residents of the Territory, and of the Indians themselves. From the disposition manifested by some Indians of influence to acquiesce in the views submitted to them on this point, I was of the opinion that, with these tribes, treaties on terms more favorable to the Government, and with provisions more consistent with their permanent welfare and happiness, could be made after they had time for discussion and reflection, which some of them requested should be granted; and I therefore deemed it best to leave the subject with them, and confine myself to that branch of my instructions which made it my duty to explore the country, and obtain such information as would be useful, and from which the data could be obtained to form, as near as practicable, a uniform system of treaties. Of the propriety of this course I have now no doubt.

• • •

"A civil government should be organized over the Territory. The Intercourse act is almost a dead letter. The United States court for the district of Missouri and Arkansas is too far removed from the Indian country; and for Indian purposes alone, saying nothing of the protection of our emigration to the Pacific, a civil government ought to be organized there. In addition to this, the position of Nebraska, with reference to our Pacific possessions, renders it a matter of vast importance that it be speedily opened, and actual settlers invited into it on the most liberal terms.

"It is confidently expected that the necessary treaties can be made with these border Indians during the months of April and May, so that ample time may be had for their consideration and ratification by the Senate, and for the establishment of a territorial government before the adjournment of the approaching session of Congress."²²⁷

²²⁷ "The return of the Commissioner of Indian Affairs to the seat of government from his tour to the Indian Territory has already been announced. From what we have learnt of that tour we are inclined to augur much good from it, and believe that it will furnish the Government with an amount of accurate information, obtainable only by actual observations on the spot, which will tend greatly to expedite the desirable and indeed

almost necessary measure of a territorial organization of Nebraska. . . ."
National Intelligencer, November 5, 1853; see also editorial in the *New York Tribune*, December 7, 1853.

CHAPTER VI

Popular Interest in Nebraska among Missourians and Iowans—Hadley D. Johnson—Congressional Action Anticipated—Senator Douglas in Europe—His Letter to Walker and Lanphier—The Doctrine of Supersedure.

Having thus witnessed some of the Indian manifestations of interest in the early organization of Nebraska Territory, we may consider similar manifestations by the people of Missouri and Iowa. Incidentally these will disprove the statement repeatedly made during the Kansas-Nebraska debate that there was no popular demand for the organization of the new Territories.²²⁸

²²⁸ Upon this point, James M. Cutts, the son-in-law and the "Boswell" of Stephen A. Douglas, has the following to say which may be regarded as coming from Douglas himself:

" . . . In the meantime [1844-53] the passion of the Western people for emigration had become so aroused, that they could be no longer restrained; and Colonel Benton, who was a candidate in Missouri for re-election to the Senate in 1852 and 1853, so far yielded to the popular clamor, as to advise the emigrants who had assembled, in a force of fifteen or twenty thousand, on the western border of Missouri, carrying their tents and wagons, to invade the territory and take possession, in defiance of the Indian intercourse laws, and of the authority of the Federal Government, which, if executed, must inevitably have precipitated an Indian war with all those tribes.

"When this movement on the part of Colonel Benton became known at Washington, the President of the United States despatched the Commissioner of Indian Affairs [Colonel Manypenny] to the scene of excitement, with orders to the commanding officer at Fort Leavenworth to use the United States army in resisting the invasion, if he could not succeed in restraining the emigrants by persuasion and remonstrances. The Commissioner of Indian Af-

The interest felt by the people of Missouri found frequent and emphatic expression in public meetings in localities where interest was especially keen. To what extent these meetings were the spontaneous act of the people and to what extent they were the result of efforts on the part of politicians, it is impossible to determine.

After the Parkville meeting of June, 1852, the first meeting of which a record has been found was held in Andrew County on the twenty-sixth of November, 1853. The citizens of that county "without distinction of party," according to the *Jefferson Inquirer*,²²⁹ assembled in the court house in Savannah pursuant to previous notice, and "organized a mass meeting, by electing Judge Daniel Van Buskirk president, and G. W. Samuels and W. A. Price secretaries. A committee with C. F. Holly, a strong Bentonite, as chairman, reported a long series of resolutions of which the following are the most important:

"Third resolution. That in failing to extend to Nebraska the political organization sought at the last session of Congress, that body or the men therein who were the authors of such

fairs succeeded in procuring the agreement of the emigrants that they would encamp on the western borders of Missouri until the end of the next session of Congress, in order to see if Congress would not in the meantime, by law, open the country to emigration. When Congress assembled at the session of 1853-54, in view of this state of facts, Mr. Douglas renewed his Nebraska Act, which was modified, pending discussion, by dividing into two Territories, and became the Kansas-Nebraska Act. *From these facts you can draw your own conclusion, whether there was any necessity for the organization of the Territory and of Congressional action at that time.*"—*A Brief Treatise upon Constitutional and Party Questions*, 90-91.

²²⁹ December 24, 1853.

failure have a vast responsibility to encounter at the bar of public opinion and we trust it will be fully met.²³⁰

"Fourth resolution. That it is the duty of Congress as early as possible at its ensuing session to organize Nebraska into a Territory and thus give to her residents, travellers, and traders and citizens the protection of law and the rights and privileges of a free people.

"Fifth resolution. That in effecting that organization a bill substantially similar in its provisions to those in Hall's bill introduced at the last session and so ably advocated by our late faithful Representative, Hon. Willard P. Hall, would meet our approbation and as we believe that of the whole country.

"Sixth resolution. That in organizing Nebraska Territory the pestiferous question of slavery should be entirely excluded; *and the people who shall settle it should determine for themselves whether the future State or States which shall hereafter be formed from its area shall be free States or slave States, and from such decision when made there should be no appeal.*²³¹

"Seventh resolution. That we are utterly opposed to any agitation of that 'vexed question' now happily set at rest, and 'we will resist all attempts at renewing in Congress or out of it, the agitation of the slavery question under whatever shape or color the attempt may be made.'

"Eighth resolution. That we consider the agitation of the slavery question in connection with the organization of Nebraska Territory dangerous to the peace of the country, fatal to the best interests of Nebraska itself and even threatening the harmony if not the perpetuity of the whole Union."²³²

²³⁰ A reproof aimed at Atchison.

²³¹ The italics are mine.

²³² Three resolutions also expressly endorsed and approved Col. Benton's doctrine that Nebraska was then open to settlement, and in this connection Col. Manypenny comes in for the severest kind of a censure:

"Ninth resolution. That all that portion of Nebraska not included within the limits of Indian reservations and which comprises the greater bulk of that Territory is as clearly United States lands and as equally

A resolution was also passed providing for the selection by the meeting of one hundred citizens to represent Andrew County in "a general convention

subject to the lawful occupation and settlement of American citizens as is any other vacant Government land not surveyed, reserved or preëmpted.

"Tenth resolution. That while we are in favor of maintaining inviolate the faith of treaties yet we believe the best interest of the red races as well as our own, alike require the speedy extinction of all the Indian titles in Nebraska and the like speedy occupation and settlement of that whole territory by the patriotic vanguard of the Anglo-Saxon race.

"Eleventh resolution. That seeking immediate settlement of that Territory in advance of such extinguishment of Indian titles 'that meritorious class of citizens, the hardy pioneer' may rely upon Col. Benton's map upon which have been drawn all the Indian reservations, as an accurate and invaluable guide. . . .

"Fourteenth resolution. That while it is the duty of the Executive to see that the laws are faithfully executed, President Pierce in having commissioned an officer to execute the law aforesaid (appropriating \$100,000 for the extinguishment of Indian titles) is not liable to censure in the premises; but Col. Manypenny, the Commissioner, in grossly neglecting the duties of his appointment, in meddling in the local polities of that Territory, and failing to treat with the tribes of Indians who were willing and proposed so to treat and finally returning to Washington without carrying out in good faith the appropriation made by Congress or assigning any satisfactory reason for the failure, has evinced a marked contempt for public opinion, a disregard of law and his utter inefficiency as a public officer." The source which may have inspired these resolutions is pretty clearly indicated in the fifteenth resolution.

"Fifteenth resolution. That the unwearied efforts of our late Senator, Pater Senatus, Col. Thomas H. Benton, to arouse public attention to the claims of Nebraska Territory, to secure the location of the grand 'highway of nations' through its center and to promote the general weal of this State and the Union, deserve and will receive the heartfelt approbation of a grateful country. . . ."

"The preamble and each resolution," so the report continues, "having first been read together, were read and voted upon separately and all unanimously adopted, excepting the fifteenth, which having been discussed" by four speakers in its favor and two against it, "was amended . . . by adding the thanks of the people to Hon. W. A. Hall and all other friends of Nebraska" and finally adopted by a large vote." — *Jefferson Inquirer*, December 24, 1853.

of all the friends of Nebraska" to be held at St. Joseph on the ninth of the ensuing January.²³³

Just a week later,²³⁴ the people of St. Joseph, "in pursuance of previous notice assembled at the City Hall to express their views in relation to the immediate organization of Nebraska Territory." The City Hall was crowded, we read, and "the utmost harmony prevailed, and all were animated by one feeling and that was the organization of the Territory by the present Congress and the speedy extinguishment of the titles."

B. O'Driscoll acted as president of this meeting and L. J. Easton as secretary. Judge C. F. Holly, who had reported the resolutions quoted above at the

²³³ "The following paragraphs from the St. Louis *Democrat* of the twenty-sixth of November, give an account of the call of a great general meeting of the people of the frontiers in relation to this question:

"There is no longer any doubt about the certainty of the immediate organization of Nebraska as a Territory. The St. Joseph *Gazette* comes to us with its columns freighted with the names of all the frontier citizens calling for a mass convention on the eighth [ninth] of January to take measures for carrying out this purpose. Public opinion, the supreme power in this country calls for the settlement of that fine Territory in tones that cannot be misunderstood. We quite concur in the spirit and manner of the movement. Let the people speak on the eighth of January in accents that will startle the indolent and vulgar Senator who opposes them, in accents that will remind Congress of its duty. . . . Can there be a more withering rebuke of the malignant stupidities of Atchison than the call for the convention, signed by men of every shade of politics with whom patriotism is happily higher than party?"

"The last sentence in this quotation refers to a declaration made by Senator Atchison to the effect that he is now determined to oppose the organization of Nebraska as a Territory, notwithstanding that at the last session of Congress he declared himself ready though reluctant to vote for that measure." Quoted in the Boston *Atlas*, December 6, 1853. The editor of the *Atlas* apparently was ignorant of Atchison's declarations in favor of Nebraska made during the summer of 1853.

²³⁴ December 3, 1853, two days before the 33d Congress met.

Andrew County meeting, was present and addressed the meeting. Mr. Easton, acting also as chairman of the committee on resolutions, reported a long series, favoring "the early organization and settlement of Nebraska" in accordance with "Hall's bill, or one similar in provision;" condemning those members of the last Congress who prevented the passage of the Nebraska bill; and endorsing Colonel Benton's doctrine of the right of "immediate" settlement. The two most important resolutions relate to the subject of slavery in the new Territory, and these, with the Andrew County resolutions just quoted, are significant as indicating a popular demand in Missouri for the settlement of the slavery question in precisely the manner later prescribed in the Kansas-Nebraska bill.

"3. Resolved, *That we are opposed to the agitation of the slavery question in the organization of this Territory by any attempt to repeal the Missouri Compromise*, and that without entering into the discussion of the merits or demerits of that Compromise, or the Compromise Measures, we are willing to abide by and sustain them.

"4. Resolved, *That we are in favor of the people who go there and settle to determine the question as to whether it shall be a slave or free State.*²³⁵ We are unwilling to interfere in that question, but are content and satisfied with a simple organization of the Territory and extending the laws of the country over its settlers."

²³⁶

²³⁵ The italics are mine.

²³⁶ The other important resolutions were as follows:

"1. Resolved, That we are in favor of the early organization and settlement of Nebraska Territory, and believe that the present Congress would consult the will and interest of the great body of the people by passing a bill extending the laws over that Territory.

"2. Resolved, That in passing a bill to organize that Territory we are in favor of one known as Hall's bill, or one similar in provisions.

"5. Resolved, That those persons in the last Congress, whoever they

The Nebraska Convention met at the court house in St. Joseph, Missouri, on the ninth of January, 1854. The Convention adopted a long series of resolutions,²³⁷ the majority of them being

may be, that threw obstacles in the way of the passage of a bill to organize that Territory after it had passed the House deserve the condemnation of the people.

"6. Resolved, That we believe all that part of Nebraska Territory (which is much the larger portion) not belonging to the Indians by treaty and [not] marked out to them by metes and bounds is Government land and as clearly subject to settlement as any other public unsurveyed lands. . . .

"8. Resolved, That our people are a law-abiding people and are not disposed to violate any treaty stipulation of the Government or trespass upon Indian lands. . . .

"9. Resolved, That the interests of the red man and of the Government require the speedy extinguishment of the Indian titles. . . .

"11. Resolved, That we heartily approve of the high and noble and patriotic course of our neighbors and friends in Iowa for the firm and decided stand they have taken for the immediate organization of Nebraska Territory.

"12. Resolved, That a copy of these resolutions be furnished to each of our Senators and Representatives in Congress."

A subsequent resolution authorized the chairman of the meeting to appoint two hundred delegates to attend the St. Joseph Convention to be held on the ninth of January. These resolutions may be found in the *Jefferson Inquirer*, Dec. 24, 1853, quoted from the *St. Joseph Gazette*.

²³⁷ The preamble and most important resolutions were as follows:

"Whereas, it is the inalienable right of the people to peaceably assemble together to express their views in regard to any given topic in a respectful manner; and

"Whereas, it is the bounden duty of the people's representatives to respect the views thus given; and

"Whereas, the early organization and settlement of Nebraska Territory is deemed a matter of vast importance and fraught with consequences alike affecting the interests of the white as well as the red man; and

"Whereas, the geographical position of Missouri and Iowa being more central for the location of the Pacific railroad through our territory and being on a direct line with the great cities of commerce on the Atlantic and California and Oregon on the Pacific, the best interests of the Republic would be subserved by the construction of such a road, it is therefore deemed necessary to securing so desirable a result that Nebraska Territory

either verbatim or substantial reproductions of the resolutions of the Andrew County meeting. This series too had a resolution relating to the slavery question:

"Resolved, That we consider the agitation of the slavery question in connection with the organization of Nebraska territory dangerous to the peace of the country, fatal to the best interests of Nebraska itself and even threatening the harmony, if not the perpetuity of the whole Union.

"Resolved, That in organizing Nebraska territory all who are now or may hereafter settle there should be protected in all their rights, *leaving questions of local policy to be settled by the citizens of the territory when they form a state government.*"²³⁸

be settled, thereby enabling protection to be extended to the road and afford shelter for the thousands annually crossing the plains; we the people of northwestern Missouri, western Iowa and Nebraska Territory in Convention assembled do

"Resolve,

"6, That it is the duty of Congress as early as possible at the present session to organize Nebraska into a Territory and thus give to her residents, travellers, traders and citizens the protection of law and the rights and privileges of a free people.

"8, That while we are in favor of the early extinguishment of the Indian titles, we believe that delays are dangerous and that the organization of the Territory should not be delayed for that purpose, but a government of laws should at once be extended over the people who may settle there.

"10, That the law of 1807 in relation to trespassers upon Public Lands is a dead letter and ought to be repealed by the present Congress."

The Convention also appointed a committee of three to draft a memorial to Congress "urging speedy action on the Nebraska question;" and voted that a committee of correspondence previously chosen "be requested to solicit the views of all the members of Congress and other prominent citizens throughout the Union, and that when obtained they be published at the discretion of the Committee." The resolutions appear in the *Missouri Republican*, January 9, 1854.

²³⁸ The italics are mine. The New York *Independent* for Sept. 25, 1856, contains a contribution by a gentleman who had spent several years

It may seem strange that the foregoing resolutions which are clearly pro-Benton, advocate a solution of the slavery question in the new Territory not in harmony with the Missouri Compromise which Benton favored but according to the principle of popular sovereignty. The explanation lies in the fact that Benton's position on the slavery question did not truly represent that of the majority of the people of Missouri. Although they heartily applauded his efforts in behalf of the Pacific railroad²³⁹

in the western part of Missouri, giving an account of Kansas affairs during the three years preceding. Mention is made in this account of a pro-slavery meeting in Missouri, of which I have been able to find no other record. "In the latter part of 1853, almost a year before the passing of the Nebraska bill, a public meeting was held in Platte county, Missouri, to consider the affairs of Kansas. Atchison made a speech, and was the master spirit of the meeting, and it was *Resolved*, that if the Territory shall be opened to settlement, we pledge ourselves to each other to extend the institutions of Missouri over the Territory, at whatever sacrifice of blood or treasure.' These resolutions were published in the *Platte Argus*. This was long before Douglas had thought of venturing upon the Repeal. . . . This meeting attracted little public attention at the time, but it furnishes the key to all the subsequent history. Atchison has since explained the process by which he bullied and terrified Pierce and Douglas into the fatal measure of repealing the restriction. . . ."

²³⁹ It will be remembered that the main issue which caused Benton's defeat in 1849-50 was the Wilmot Proviso, which Benton was represented as supporting; see Green's letter in Chapter II.

The Legislature which had passed the Jackson Resolutions, adopted the following "Joint Resolution in relation to the Pacific Railroad," about the time Benton introduced his first Central Highway bill in the Senate.

"Resolved, By the General Assembly of the State of Missouri as follows:

"§1. That we, the representatives of the people of Missouri view with lively interest and the utmost pleasure the efforts of our distinguished Senator in Congress, the Honorable Thomas H. Benton, in furtherance of the grand project of locating and constructing a national central railroad from San Francisco, on the Pacific, to St. Louis on the Mississippi, with a branch to the Columbia river, as evidenced by the notice given by him in

and in behalf of the new Territory, they strongly favored the settlement of the slavery question in accordance with the principle of popular sovereignty. It must be remembered that the principle of popular sovereignty appealed with peculiar force to a western community like Missouri. Almost three years before the celebrated Cass-Nicholson letter, the Legislature of Missouri had formally gone on record in favor of popular sovereignty as a solution of the question of slavery in the Territories. In a memorial to Congress²⁴⁰ favoring the early annexation of Texas, it was declared

the Senate of the United States, of his intention to introduce into that body a bill providing for the construction and location of said road.

“§2. That we cordially approve the course of our distinguished Senator in relation to this great and national object, and we heartily tender him our best wishes for his success in the promotion of this great and laudable national enterprise. Approved, March 10, 1849.”—*Laws of Missouri, 1848-49*, 668.

²⁴⁰ This memorial was passed by the Legislature which elected Benton to the Senate for the last time, and was approved, Jan. 3, 1845. It is printed in full, together with the remarks of Benton and Atchison in approval, in *Cong. Globe*, xiv, 154-155. See also *Senate Journal*, 2d Sess., 28th Cong., 94-95; Carr's *Missouri*, 195. The following editorial appeared in the *Missouri Republican*, Jan. 22, 1845:

“The bill as presented by Judge Douglas, attempts to avoid the agitation of slavery in Congress and to throw its decision upon the courts and the people who may occupy the Territory, when it shall be sufficiently populated to be admitted as a State into the Union. The bill affirms a principle which we of Missouri contended for when we came into the Union and which the nation then conceded to be right. It affirms the right of the people, when they ask to be admitted as a State to come in with or without the institution of slavery, as to them, and not to Congress shall seem most expedient. The Legislature of this State has since confirmed this principle. We copy the words of a resolution passed by the Legislature of this State and approved January 3, 1845. [as quoted above] This instruction has not been repealed or expunged. It stands upon the statute books with all the force of any unrepealed resolution. Colonel Benton then in the

"That in the opinion of this General Assembly, a great majority of the people of this State prefer that Texas should be annexed to the United States without dividing her territory into slaveholding and non-slaveholding States; but *leaving that question to be settled by the people who now or hereafter, may occupy the territory that may be annexed.*"²⁴¹

A county meeting of "the friends of Nebraska" was held in St. Louis on the day of the St. Joseph Convention, "composed of the confidential friends and mouthpieces of" Benton; at least so said Atchison. At this meeting speeches were made by W. V. N. Boy, Thomas L. Price, B. Gratz Brown, A. Kreckel, H. Dusenbury and John A. Kasson.²⁴² A committee of twenty-four reported the resolutions through F. P. Blair, Jr., which were unanimously adopted. The third of these resolutions was as follows:

"Resolved, That we are in favor of a territorial government for Nebraska, and that we regard all who oppose it upon *whatever pretext*, as hostile to the best interests of the State."²⁴³

One fact of importance to note before leaving this phase of the subject is that the demands of the

Senate, took no appeal from it to the people, has never objected to it since and now by what right does he refuse to obey this instruction, and insist, as it is well understood he will insist, that Nebraska should be made a free-soil Territory and eventually a State into which no slaveholder of Missouri shall be permitted to enter with his slave property?"

²⁴¹ The italics are mine.

²⁴² After discovering his name in this connection, I wrote to the Hon. John A. Kasson asking if he could furnish me with any detailed information about the political situation in Missouri at this time. His reply in the negative states: "Your inquiries refer to a period fifty years ago, and to incidents the memory of which has been overlaid by many later and vital historical experiences of the country. I resided in St. Louis from 1850 to 1857, a period of gestation of bitter party and personal feuds."

²⁴³ Quoted in Atchison's letter of June 5, 1854. See Appendix C.

Andrew County and the St. Joseph meetings were made before the assembling of the 33d Congress, and that the call for the St. Joseph Convention had been issued long before the meeting of Congress. Furthermore, the resolutions of that Convention, although adopted five days after Douglas's report of January 4,²⁴⁴ indicate no knowledge of that report: indeed, it is probable that no intelligence of the report had then reached western Missouri.

Thus far attention has been concentrated upon the interest displayed by Missourians in the organization of Nebraska Territory. The bill, however, which ultimately became the Kansas-Nebraska Act was introduced into Congress by a Senator from the State of Iowa. This investigation would therefore be incomplete without some mention of the interest appearing in that State. Obviously the causes which enlisted the interest of the people of Iowa in the new Territory differed from those operating with the people of Missouri. The interest of the former was of course not instigated by the question of slavery. The meager evidence which has been discovered nevertheless indicates that the Iowa interest was scarcely less profound than that in Missouri. The chief cause lay, as in the case of the Wyandotts, in the intimate relation of the new Territory to the proposed railroad to the Pacific.

In the "Notes" of Governor Walker of Nebraska is found a reference to perhaps the first manifestation of popular interest in Iowa. Referring to the

²⁴⁴ Taken up in Chapter VII.

election of Territorial Delegate in October, 1853,²⁴⁵ Governor Walker says:

"Upon canvassing the returns it was found that a third candidate was voted for in the Bellevue precinct, in the person of Hadley D. Johnson, Esq., who received 358 votes. From information received from that precinct it appeared that Mr. Johnson was an actual resident of Iowa, and at that time a member of the Legislature of that State; and an additional circumstance tending to vitiate the election in this precinct was that a majority of the voters were actual residents of that State. The officers were compelled to reject these returns. . . ."²⁴⁶

A newspaper printed in Missouri and containing a notice of the election to be held in the Nebraska country on the eleventh of October had accidentally come into the possession of this Mr. Johnson only a few days before the time fixed for the election. Years afterwards Mr. Johnson published an account of what then took place, of the interest of the Iowans in the organization of Nebraska, and of his own part in the enactment of the Kansas-Nebraska bill. As this is the best evidence which has been discovered relative to Iowa's interest in the Nebraska movement a large part of it is here reproduced.²⁴⁷

"On reading this announcement [of the election for a Delegate to Congress], I immediately communicated the news to prominent citizens of Council Bluffs, and it was at once decided that Iowa should compete for the empty honors connected with the delegateship. An election at Sarpy's was determined on; arrangements made with the owners of the ferry-boat at that point to transport the *impromptu* emigrants to their new homes, and they

²⁴⁵ See pages 150, 151.

²⁴⁶ Connelley's *Prov. Gov.*, 58 ff.

²⁴⁷ Mr. Johnson's account appeared originally as a paper read before the Nebraska State Historical Society, Jan. 11, 1887; it is printed in *Nebr. State Hist. Soc. Transactions and Reports*, ii, 85 ff.

were accordingly landed on the west shore of the Missouri river a few hundred yards above Sarpy's trading house, where, on the day appointed, an election was held, the result of which may be learned from the original certificate hereto annexed,²⁴⁸ a copy of which was sent to the Honorable Bernhart Henn, the member of the house of representatives from Iowa, by him submitted to the House, and referred to the committee on elections, but for reasons obvious to the reader of the proceedings of Congress immediately following, no report was ever made by that committee in the case.

"I may remark here that I consented with much reluctance to the use of my name in this connection, and for several reasons: I was poor and could not well afford to neglect my business and spend a winter at Washington; the expenses of the trip I knew would be a heavy drain upon my limited exchequer; besides I had so lately neglected my private affairs by my services at Iowa City. However, I finally yielded to the earnest request of a number of my personal friends, who were also ardent friends of the new scheme, and consented to the use of my name, at the same time pledging my word that I would proceed to Washington, if chosen, and do the best I could to advance the cause we had in hand. In addition to the ballots cast for me for delegate at this election, the Rev. William Hamilton received 304 votes for Provisional Governor; Dr. Monson H. Clark received 295 for Secretary, and H. P. Downs 283 for Treasurer.²⁴⁹

"These proceedings at Sarpy's landing were followed by various public meetings in Iowa (and also in Missouri) at which resolutions were adopted, urging the organization of Nebraska Territory. Amongst others, meetings were held at Council Bluffs, St. Mary's, Glenwood, and Sidney,²⁵⁰ at which the actions at

²⁴⁸ A copy of this certificate is in Connelley's *Prov. Gov.*, 84 n. It shows that Mr. Johnson received all the votes cast for Delegate, namely, 358.

²⁴⁹ This is the only reference I have found to the Provisional Government here mentioned.

²⁵⁰ The *National Intelligencer* of Dec. 1, 1853, contains this notice of the Sidney meeting: "The people of western Iowa are stirring themselves on the subject of a speedy organization of Nebraska Territory. On the 7th instant (Nov.) a large meeting of the citizens of three counties was held at Sidney over which William C. Means of Page County presided.

Sarpy's were endorsed. Earnest and eloquent speeches were made by such leading citizens as Hon. W. C. Means and Judge Snyder of Page County, Judge Greenwood, Hiram P. Bennett, Wm. McEwen, Col. J. L. Sharp, Hon. A. A. Bradford, L. Lingenfelter, C. W. McKissick, Hon. Benjamin Rector, Charles W. Pierce, Dan H. Solomon, —— Downs, I. M. Dews, George Hepner, W. G. English, Geo. P. Stiles, Marshall Turley, Dr. H. M. Clark, and others.

"In the month of November, Council Bluffs was visited by Hon. Augustus C. Dodge, Col. Samuel H. Curtis, and other distinguished citizens of other States, who attended and addressed meetings of the people of the town, warmly advocating the construction of our contemplated railroads, and the organization of Nebraska Territory.²⁵¹ In its issue of December 14, 1853, the

The resolutions of the meeting urge 'an early extinguishment of the Indian titles therein.'"

The same meeting was noticed in the Boston *Journal* of Dec. 2, 1853: "It is said that the people of western Iowa are moving on the subject of a speedy organization of the Territory of Nebraska. Three counties held a meeting on the subject recently and a general convention of citizens was called."

²⁵¹ The following is an extract from an editorial in the *Iowa State Gazette* of Dec. 28, 1853: ". . . . Our readers are aware, many of them, that Senator Dodge visited the Council Bluff region immediately before the meeting of Congress. Although we are not aware of his object in so doing, we may presume it was with reference to these important questions [Nebraska Territory and the Pacific railroad]. For we observe that he has already introduced a bill for the organization of the new Territories. What its details and provisions are we are not prepared to say. It behooves him to be active and the rest of our delegation likewise, for the present is big with the fate of Iowa and indeed the whole Northwest."

The interest of Iowa in Nebraska is reflected in the debate upon the Kansas-Nebraska bill. Senator Dodge said:

". . . . Mr. President, the passage of the bill before us will, in my judgment, confer great benefits upon the nation, the West, and especially the State which I in part represent. The settlement and occupation of Nebraska will accomplish for us what the acquisition and peopling of Iowa did for Illinois. Originally I favored the organization of one territory; but representations from our constituents, and a more critical examination of the subject having an eye to the systems of internal improvement which must be adopted by the people of Nebraska and Kansas to develop their

Council Bluffs *Bugle* announced that 'H. D. Johnson, delegate elect from Nebraska passed through our place on his way to Washington last week.'"²⁵²

Thus as we approach the month of December, 1853, in which the 33d Congress convened, it is evident that powerful and geographically related agencies were at work in the interest of a new territorial government west of Missouri and Iowa. It seems highly improbable that the members of Congress who had been conspicuous in the heated local discussions relating to Nebraska, which in Missouri

resources — satisfies my colleague who was a member of the Committee that reported the bill, and myself, that the great interests of the whole country and especially our State, demand that we should support the proposition for the establishment of two territories; otherwise the seat of government and leading thoroughfares must have all fallen south of Iowa."

— *Cong. Globe*, xxix, 382.

In the House, Hon. Bernhart Henn, Representative from Iowa, supported the measure because "The bill is of more practical importance to the State of Iowa, and the people of the district I represent, than to any other State or constituency in the Union." — *Cong. Globe*, xxix, 885.

²⁵² Another meeting evidently was held at Council Bluffs in December. The *Iowa State Gazette* speaks of a meeting being held there on the seventeenth, composed of "a respectable number of citizens of Pottawattamie County." This meeting adopted the following resolution: "Resolved, That we heartily approve of the Nebraska Convention to be held at St. Joseph [Mo.], January 8 [9], 1854, and that we appoint twenty-five delegates to attend said Convention pledging that this senatorial district will at all times be ready to 'roll on the Nebraska ball' until the Indian titles are extinguished and the Territory organized. . . ." Much enthusiasm prevailed, says the account, "and with three times three cheers for Nebraska and its friends in Congress, the Convention adjourned to meet on the return of the delegates from the St. Joseph Convention."

In January following, the Democrats of Pottawattamie County adopted the following resolution: "Resolved that the immediate organization of Nebraska and the establishment of a territorial government over its citizens is a question of national importance and greatly affecting the interests of western Iowa, and we should be pleased to have an expression of the people of the whole State upon the subject through their delegates at the State Convention." — *Ibid.*, Jan. 11, 1854.

had become more heated and acrimonious as December drew near, would abruptly drop all their personal animosities and lose their active interest in Nebraska. On the contrary, the belief and expectation that all the questions connected with the Nebraska movement arising in the West would be transferred to the halls of Congress is indicated unmistakably in the following editorial from the *Iowa State Gazette*.²⁵³ Although apparently ignorant of Senator Atchison's recent pledges, the Editor said:

"The formation of these new Territories will probably be one of the most exciting topics of discussion during the present session of Congress. From recent indications and from what took place at the last session we may anticipate considerable opposition to the measure in Congress, while on the part of our western population there is great longing to have the rich lands of the Platte and Kansas valleys laid open for settlement. Leaving out that small class of our citizens who are thus directly interested in the settlement of this Territory, the principal feeling upon the subject is among the active pro-slavery and anti-slavery men. The former will oppose its constitution on the ground that under the Missouri Compromise it cannot come into the Union as a slave State and must therefore add to the already preponderating influence of their adversaries; the latter, or anti-slavery party, will urge the formation of the Territory as a means of 'extending the area of freedom' and striking another blow at the slave power. That this is the correct view of the subject is evident from what has already taken place. Senator Atchison at the last session opposed the formation of the Territory avowedly because the Compromise precludes the 'peculiar institution' from it; he will probably take the same course at the present session. On the other hand, Col. Benton who is suspected of not being over friendly to the 'institution' will war to the knife in favor of the Territory; it is in fact one of his hobbies and no man plies the whip and spur

²⁵³ Dec. 8, 1853.

harder on that kind of cattle than he does: so we may expect to see considerable of a fight upon the subject. As to the Indian title, that can be easily disposed of, as the Commissioner has recently found them quite disposed to the transfer of it, 'for a consideration.'

That the same expectation was shared by the newspapers of the East, both North and South, there is abundant evidence. The day after the opening of the 33d Congress,²³⁴ the Boston *Atlas*, the great Whig organ of Massachusetts, thus commented on the situation, apparently without knowledge of Senator Atchison's recent change of attitude toward Nebraska.

"In spite of the undisguised nature of the opposition of Senator Atchison of Missouri to the organization of this Territory, it is very apparent that this event can hardly be much longer delayed. He contrived to defeat the necessary measures for this purpose in the Senate after they had been passed by the House at the last session. He did not hesitate to found his opposition upon his unwillingness that it should be organized as a *free* Territory.

"Much alarm has been entertained or expressed in certain quarters lest there might be danger of a disregard of this law [the Missouri restriction] and a settled purpose exist to introduce slavery into Nebraska in defiance of it and to make it a slaveholding Territory. We have not shared this alarm for we have no belief that any attempt, if seriously contemplated, can meet with any success in nullifying a law, the existence of which no one disputes, the binding force of which no one pretends to deny."

Reference is then made to the meeting of the citizens of three counties in Iowa, and it is stated that "a strong popular feeling has been awakened at the West in favor of the organization of the territorial government and the settlement of the Territory."

²³⁴ Dec. 6, 1853.

As early as November 15, 1853, the Editor of the anti-slavery New York *Evening Post* clearly anticipated that the organization of Nebraska would be attempted at the next session of Congress and incidentally indicated his misinformation regarding events in Missouri:

"It is curious to see how much pains are being taken in certain quarters to prepare the public mind for the rejection of the application to organize the Territory of Nebraska. . . . Mr. Atchison . . . has declared his determination to oppose the early organization of the Territory of Nebraska and the opening of the country to white colonists. . . . When pressed in debate for his reasons, he intimated that he was unwilling to consent to the organization of another Territory on the principle of the Ordinance of 1787. . . . This is the secret of the intrigues which are now on foot to delay, under various pretexts, the formation of a regular government in Nebraska, and to this are owing the endeavors which are so industriously making to create the impression in the first place, that they are occupied by Indian tribes who must first be removed before the settlement of this Territory can commence. Mr. Manypenny, the Indian Commissioner at Washington, seems to enter into Mr. Atchison's views in regard to this question and labors to render him all aid in his power in keeping Nebraska out of the sisterhood of Territories, and of course out of the Union as long as possible."¹⁵⁵

The Washington correspondent of the New

¹⁵⁵ The following occurs in a letter from Alexander S. Latty to Salmon P. Chase, dated, Paulding, O., Nov. 1, 1853, found among the Chase papers in the Library of Congress but not published in the Chase Correspondence. After urging different reasons against Chase's contemplated resignation from the Senate, the writer adds: ". . . This [resign] I hope you will not do. There are many other reasons why you ought not to do it. The Pacific railroad, the organization of Nebraska, and many other kindred measures will require your assistance and I have no doubt but your successor would be found the willing tool of Mr. Atkinson [Atchison] to defeat the latter measure. If either of two certain gentlemen from northwestern Ohio should succeed you, I am positive that they would do so and they are aspirants for the office at present."

York *Journal of Commerce*²⁵⁶ said in commenting upon the recommendation of Commissioner Manypenny that a territorial government be established over Nebraska:²⁵⁷

"While upon the subject [Manypenny's report] it may be well to mention that the territorial committees of both Houses have been formed with a view to prevent, if possible, the intrusion of the slavery question into the question of organizing Nebraska into a Territory. It is difficult to see why any one should wish to raise the question. Col. Benton proposes of course to establish the Territory, and admit the State under the provisions of the Missouri Compromise which prohibits slavery north of the line of $36^{\circ} 30'$, which is the boundary line between Missouri and Arkansas. It seems, however, that *Mr. Atchison of Missouri will move to repeal that restriction in regard to Nebraska*,²⁵⁸ a Territory that will be adequate for several States. . . . The [Washington] *Sentinel* remarks that the committee (*i.e.* the House committee) will suppress slavery agitation altogether by abolitionists and freesoilers. True, but may not objection come from the other side? The freesoilers cannot wish anything else than that the matter should stand as it is. We shall see whether this and the Senate committee will propose a repeal of the Missouri restriction for that will certainly create agitation."

From the foregoing evidence it is fair to infer that before Mr. Douglas reported the Kansas-Nebraska bill in January, 1854, there was knowledge on the part of leading newspapers and their readers, East and West, North and South, that Colonel Benton was actively contesting the reelection of Senator Atchison; that the immediate organization of Nebraska Territory and the question of slavery therein had become important issues in the Missouri Sena-

²⁵⁶ Writing Dec. 14, in issue of Dec. 15, 1853.

²⁵⁷ Contained in his report of Nov. 9, 1853.

²⁵⁸ The italics are mine.

torial fight, and that Colonel Benton would force the Nebraska territorial question upon the attention of Congress; that there was also widespread knowledge of Senator Atchison's determination to oppose any bill for the organization of Nebraska which did not repeal the Missouri Compromise.

With all these forces at work — Iowans, Missourians and Indians — the Nebraska question was certain to assume in the 33d Congress an importance greater than in any preceding session, and in all probability would have caused a renewal of the slavery agitation even if Senator Douglas had not been in Congress. That the establishment of a territorial government in Nebraska, whether with or without the repeal of the Missouri Compromise, could have been delayed longer seems incredible. If the Territory should be organized with the repeal of the Compromise, it would mean a triumph for Senator Atchison over his antagonist, Benton; if organized without the Repeal, it would be a victory for Benton. In either case, Atchison was bound to use every effort to make good his pledges upon the stump in Missouri. The question would inevitably come before the Committee on Territories, and Senator Douglas would therefore be compelled to take one side or the other of the issues raised by Atchison and Benton.

It is highly significant that in all the foregoing evidence of a western origin of the Repeal the name of Senator Douglas has scarcely been mentioned. It is also highly improbable that he could have had any connection with the Nebraska movements in Missouri, Iowa and Nebraska, and no connection with the

Repeal movement in Missouri, while these movements were converging upon the 33d Congress. On the fourteenth of May, 1853, he sailed from New York City in the steamship *Pacific*, bound for Europe;²⁵⁹ and the entire summer and autumn of 1853, a period of six months, while Benton and Atchison were furiously fighting over Nebraska and the Repeal in Missouri, he spent in European travel. He did not reach Washington until just a month before the 33d Congress convened.²⁶⁰ The inference therefore seems not unwarranted that, in those pre-cable days, he remained ignorant of the development of the Nebraska question and of the Repeal agitation until very shortly before Congress assembled.

This inference is strongly supported by a confidential letter which Senator Douglas wrote to his political friends, the Editors of the *Illinois State Register*²⁶¹ — a Democratic newspaper published at Springfield — a week after his return to Washington and less than a month before Congress opened. It was obviously intended to provide his journalistic friends with ammunition, so that Senator Douglas passes in review the measures which were likely to come up for consideration and determination at the

²⁵⁹ *National Intelligencer*, May 17, 1853. Mr. Douglas sailed in company with Hon. Joseph R. Chandler, a Representative from Pennsylvania, and Hon. George Briggs, a late Representative from New York. A son of this Mr. Chandler writes that his father's papers which might be of value in this connection have all been destroyed or scattered.

²⁶⁰ "Hon. Stephen A. Douglas has returned from his extended European tour, and arrived in this city in good health." — *National Intelligencer*, Nov. 5, 1853; Wash. corr. of N. Y. *Journal of Commerce*, writing Nov. 7, in issue of Nov. 9, 1853.

²⁶¹ Walker and Lanphier.

approaching session of Congress and explains briefly his attitude upon them:²⁶²

"Washington, Nov. 11th, '53.

"Private.

"My dear Friends,

"Why don't you send me the Register? I have not seen a copy for more than six months. I am certainly a subscriber to it, *altho* I may never have paid my subscription. Send me the Register that I may see what you are doing and saying. I know all is right and that the paper takes the right course, yet I want to read it so much the more on that account. I have a few words to say personal to myself. I see many of the newspapers are holding me up as a candidate for the next Presidency. I do not wish to occupy that position. I do not think I will be willing to have my name used. I think such a state of things will exist that I shall not desire the nomination. Yet I do not intend to do any act which will deprive me of the control of my own action. I shall remain entirely non-committal and hold myself at liberty to do whatever my duty to my principles and my friends may require when the time for action arrives. Our first duty is to the cause — the fate of individual politicians is of minor consequence. The party is in distracted condition and it requires all our wisdom, prudence and energy to consolidate its power and perpetuate its principles. Let us leave the Presidency out of view for at least two years to come.

"I deem it due to you as my old and confidential friend to say thus much that you may understand my position. The administration has made some mistakes — indeed many mistakes in its appointments, yet I have no personal grievances to complain of. I did not expect to be pleased with the great body of appointments and have not been disappointed. Yet I shall not judge the

²⁶² This letter was discovered by Professor Allen Johnson of Bowdoin College, author of *Stephen A. Douglas: A Study in American Politics* in which the greater part of the letter appears. It is through the kindness of Professor Johnson in furnishing me a complete and accurate copy of the letter that I am able to reproduce it here, with the permission of The Macmillan Company.

administration by its appointments. If it stands firmly by the faith, if it is sound and faithful in its principles and measures, it will receive *my* hearty and energetic support. I still have faith that it will prove itself worthy of our support. It has difficulties ahead, but it must meet them boldly and fairly. There is a surplus revenue which must be disposed of and the Tariff reduced to a legitimate revenue standard. It will not do to allow the surplus to accumulate in the Treasury and thus create a pecuniary revulsion that would overwhelm the business arrangements and financial affairs of the country. The River and Harbor question must be met and decided. Now in my opinion is the time to put those great interests on a more substantial and secure basis by a well-devised system of Tonnage duties. I do not know what the administration will do on this question, but I hope they will have the courage to do what we all feel to be right. The Pacific Rail Road will also be a disturbing element. It will never do to commence making Rail Roads by the federal government under any pretext of necessity. We can grant alternate sections of land as we did for the Central Road, but not a dollar from the National Treasury. These are the main questions and my opinions are foreshadowed as you are entitled to know them. Let me hear from you often and freely.

"Remaining truly your friend,

"S. A. DOUGLAS."

The significance of this letter lies chiefly in the fact that there is no mention of the organization of Nebraska Territory, or of squatter sovereignty, or of the applicability to the political situation of 1854 of any principle derived from the Compromise measures of 1850. The inference is not unwarranted that the injection of the slavery agitation into the Kansas-Nebraska bill was unexpected by Douglas as late as three weeks before the opening of the first session of the 33d Congress.

But if Senator Douglas did not perceive the con-

nection between the Compromise measures of 1850 and the political situation in 1853-54, there were not a few who did.

There is a widely current but erroneous notion that the doctrine of "repeal by supersedure" incorporated in the Kansas-Nebraska bill, was a device invented by Senator Douglas to meet a sudden political emergency. This doctrine, briefly stated, was that the Compromise measures of 1850 were designed to establish a new principle for the settlement of the slavery question in all future Territories, which "superseded" or was "inconsistent with" the old idea of a geographical line dividing slave from free territory, embodied in the Compromise of 1820. This doctrine was not the invention of Senator Douglas. It had been previously formulated by at least three Democratic newspapers. One was perhaps the most influential Democratic paper in the North; the other two were influential Democratic papers in the South. In their editorial columns they had expressly applied this doctrine to the situation presented to Congress by the Nebraska territorial movement. This had occurred more than a month before the doctrine was first proclaimed in Congress by Mr. Douglas's report accompanying the Kansas-Nebraska bill, January 23, 1854. There is not the slightest evidence that Mr. Douglas had in any degree "inspired" these press utterances. Moreover, they assume that the problem before Congress is directly the result of political conditions in Missouri.

The following is an editorial of the Richmond *Enquirer*:²⁶³

"From present indications the proposition to establish a territorial government in Nebraska will be made the occasion for a renewal of anti-slavery agitation in the Federal legislature. It may be well, therefore, in advance to inform the public of the issues involved in this question. . . .

"When the conquest of California and New Mexico again brought the question of territorial extension before Congress, the representatives of the North repudiated the Missouri Compromise which they had theretofore used to the detriment of the South, and by enforcing an absolute prohibition of slavery by Congressional enactment, denied to States south of the Compromise line the privilege of determining the condition of their own social system. This shameless violation of a solemn agreement by a party which monopolized all the benefits and repudiated all the burdens of the compact affords but one illustration of the uniform and persistent perfidy of the North in its warfare against the institutions of the South.

"But this was not the only instance of the infraction of the Missouri Compromise by the North. When the bill for the establishment of a territorial government in Oregon came before Congress, the representatives of the South recognized the validity of the Missouri Compromise and were ready to submit to its legitimate operation, but the representatives of the North resolved to repudiate the Missouri Compromise and to introduce the Wilmot Proviso into the Oregon bill. That proposition was made and was met by a counter proposition declaring that slavery was excluded from Oregon by operation of the Missouri Compromise. The amendment was rejected and the representatives of the North in a spirit of insolent triumph resolved to compel the South to swallow the Wilmot Proviso. . . .

"Thus did they deliberately repudiate the Missouri Compro-

²⁶³ Quoted in the *Mississippian* of Dec. 23, 1853. See also the Wash. corr. of the *New York Herald*, Jan. 2, 1854. Compare the phraseology here used with Douglas's reply to the Appeal of the Independent Democrats, Jan. 30, 1854, *Cong. Globe*, xxviii, Pt. i, 275.

mise by asserting an independent and inconsistent principle and by refusing to discharge the obligations which it imposed in favor of the South. . . . But the whole story is not yet told. We find the North now after having rejected the Missouri Compromise and after denying by a vote in Congress its efficacy to exclude slavery from territory north of $36^{\circ} 30'$, reasserting now the validity of the Compromise which it had repudiated and invoking the aid of an obsolete principle to exclude slavery from the Territory of Nebraska. But in regard to Nebraska the North commits an infraction not of the Missouri Compromise alone, but violates also the spirit and intent of the Compromise of 1850 which leaves a State the right to prohibit or sanction slavery. . . . To preclude the possibility that Nebraska in organizing a State government may choose to authorize slavery, the North now proposes to force upon it a territorial government which prohibits slavery. In any event by foul means or fair, slavery must be excluded from Nebraska.

"In regard to Nebraska at present the struggle between the pro-slavery and anti-slavery party is whether Congress shall forbid the existence of slavery or whether the decision of the question shall be left to the people in organizing a State government. Mr. Benton, the leader of the Abolitionists, insists on the immediate establishment of a territorial government which shall prohibit slavery. *Mr. Atchison, the faithful champion of the South, contends that the people of Nebraska in organizing a State government shall determine whether slavery shall be admitted or excluded!* Peopled by immigrants from Missouri and by the fertility of its soil inviting the labor of the negro, Nebraska if allowed the free exercise of its own discretion will soon apply for admission as a slave State. It is to prevent this natural, and if justice be done, inevitable result, that Mr. Benton, at the instigation of the Abolitionists, invokes the aid of the General Government to exclude slavery from Nebraska. *We have confidence, however, that this free soil platform will be baffled by the efforts of General Atchison, than whom the South has not a more honest, intrepid and vigilant friend.*"²⁶⁴

²⁶⁴ The italics are mine.

The following appeared as an editorial in the *Mississippian*:²⁶⁵

"The question of the establishment of a territorial government for Nebraska which has been raised in Congress . . . will put to the test the merits claimed for the Compromise settlement of 1850 by its Southern advocates. It is well known that *the South acquiesced in the Compromise measures of 1850* (notwithstanding their practical effect was to exclude her from a full participation in the benefits of the territories acquired from Mexico) *on the construction placed upon it by its champions that the settlement established the principle that the people of a Territory should hereafter decide for themselves when they came to be admitted as a State whether or not slavery should exist within its bounds.*²⁶⁶ The advocates of the Compromise contended that *this principle was clearly and definitively settled* and as the price of it they were willing to submit to the admission of California into the Union, notwithstanding the irregularity of the proceedings that led to it, with a constitution inhibiting slavery. They held that the establishment of the *principle as the permanent policy of the government* would hereafter produce results highly favorable to the interests of the South; *that in future, no claim would be set up by the North to a power on the part of the Federal Government to prohibit slavery in the Territories*, nor to a right to refuse to admit new States because they tolerated the institution; that the Wilmot Proviso and all similar schemes having for their object the restriction of slavery within its present bounds with a view to its ultimate extermination, would be urged no more; or if urged at all, urged but to call down upon the heads of their authors the execration of the whole country.

"It was with this explanation of the main features of the Compromise settlement of 1820 [sic, 1850?] and of the consequence which would flow from it that the Southern people in the earnestness of their desire to cultivate amicable relations with their brethren of the North consented to acquiesce in, or abide by, that series of measures. In reply to the arguments that by the law

²⁶⁵ Dec. 30, 1853.

²⁶⁶ The italics are mine.

admitting Missouri into the Union slavery is prohibited north of $36^{\circ} 30'$ and that but little could be expected favorable to the South (admitting the principle of non-intervention to have been settled) *we were told that the North had covenanted henceforth to disregard or to annul the restriction in the future management of Territories whose geographical bounds otherwise rendered them subject to it.*

“The question of organizing the Territory of Nebraska brings the matter to a test. The region lies north of the line fixed by the Missouri Compromise. That law has never been repealed, but the settlement which led to its adoption, the conditions on which it was agreed to, were repudiated in 1850, when the North felt it to be to her interest to repudiate them. And now the question arises, will she require the enforcement of the law of 1820, or will she stand by the settlement of 1850?

“We are assured that the anti-slaveryites will again fall back upon that repudiated settlement and claim the benefit of the clause inhibiting slavery north of $36^{\circ} 30'$ in organizing Nebraska Territory.”

On the tenth of December the following editorial appeared in the Albany (N. Y.) *Argus*:

“Among the subjects to which the attention of Congress is likely to be called at an early day is the organization of Nebraska Territory. A vast deal of excitement and unnecessary palaver has been gotten up under the auspices of certain political manoeuvrers in Missouri and other western States upon this subject. The Missouri *Democrat*, and a few other prints in that interest [Bentonian] have especially devoted themselves to an agitation of the subject; and if their statements might be credited it would appear that a tremendous combination and conspiracy had been formed at the South for the purpose of depriving Nebraska of legal government at the hands of Congress.

“There are two or three questions of no little moment involved in the matter, and it is due to those of our citizens who have emigrated to those Territories and who are awaiting the constitutional protection of the Federal Government, that they should be determined with as little delay as possible.

There is also a question whether the precedent of non-interference with negro slavery, as established in the Territories by the Compromise measures shall be adhered to,²⁶⁷ or whether the prohibition of that institution shall be confirmed by Congress. It is possible that the subject may create some sectional feeling on the part of the unrepentant devotees of the Wilmot Proviso. . . .”²⁶⁸

It is interesting and important to note the interpretation placed by the New York *Evening Post* of the same day upon the few sentences in this editorial referring to the precedent established by the Compromise of 1850:

“The Albany *Argus* of this morning intimates that there is a preliminary matter to be settled which it thus states:

“There is also a question whether the precedent of non-interference with negro slavery as established in territories by the Compromise measures shall be adhered to, or whether the prohibition shall be confirmed by Congress.”

“Here is a new interpretation of the Compromise opening a new quarrel, if there should be audacity enough in any quarter to adopt it. *It is now contended, it seems, that the Compromise of 1850 has repealed the Missouri Compromise prohibiting slavery*

²⁶⁷ The italics are mine.

²⁶⁸ The following occurs in an editorial in the St. Louis *Intelligencer* (Whig), entitled, “Non-Intervention,” as early as Nov. 10, 1850: “. . . Let it be understood as a cardinal principle with both parties, that the people of the new States and Territories shall in all cases decide for themselves without the intervention of Congress, whether slavery shall exist among them. . . . In conclusion we would remind the Whigs that in maintaining the doctrine of non-intervention they are in fact only carrying out faithfully the spirit of the late compromise measures, which are predicated upon the hypothesis that Congress will not interfere with the question of slavery in the Territories, but will leave the people to settle the question for themselves. If Whigs and Democrats are faithful to the compromise they must of necessity maintain the doctrine of non-intervention. If this doctrine is abandoned—if we surrender this truly national ground, then we have no common platform on which Northern and Southern Whigs can stand, and the consequence will be that we will be split into sectional and discordant factions.” See also editorial columns of the *Washington Union*, Dec. 4 and 17, 1853.

*in the country north of 36° 30'.*²⁶⁹ At the last session Mr. Atchison, hostile as he was to the founding of a civil government in Nebraska, acknowledged that there was no way of setting aside the provisions of the Missouri Compromise. *A method of getting rid of it has now, it seems, been invented*, but we do not believe that it will ever find much countenance in Congress."

Again on the fourteenth of December, the Albany *Argus* had this even more explicit editorial:

"The Compromise measures of 1850 which so opportunely quieted the dangerously excited jealousies of the different States and preserved the Union from the imminent hazard of Civil War, embraced one precedent which their framers doubtless intended should stand as a guide and landmark for all time. We allude to the peculiar feature of the laws organizing the territorial Governments of New Mexico and Utah. In the language of Mr. Webster, 'a refusal of all restrictions upon the subject of slavery was incorporated' in them; and the words of the bills themselves, as reported by the Committee of Thirteen, expressly provided that 'no law should be passed' by the respective territorial legislatures, 'in respect to African slavery.' It was upon this basis of non-intervention with the social institutions of these half colonial, half self-governing dependencies that North and South united. It was only upon such a compromise, assured by the labors and most patriotic minds of the country, that peace and union can be preserved.

"A precedent thus laid down can scarcely be departed from without peril in the future. By it the citizens of a Territory are left free, at the moment of framing a State constitution, to choose and establish for themselves such domestic institutions as accord best with their convenience and their previous preferences or habits. The Federal Government exempts and separates itself from all connection with, or responsibility for, legislation upon the subject of slavery. The principle of self-government is vindicated. The centralizing tendency of our federal system is counteracted. The assumption of power to legislate where there is no representation is avoided. Such are the results of the far-reaching and

²⁶⁹ The italics are mine.

statesmanlike doctrine of the 'Nicholson letter' carried into practical operation.

"Such, as we understand it, is all that is claimed in any quarter, in relation to the proposed organization of Nebraska. The Missouri Compromise undertook to provide on the part of Congress where slavery should and where it should not exist. *The Compromise of 1850 established the precedent that without interference from Congress it should exist wherever the people of a State should have established it. . . .*"²⁷⁰

Thus in the month of December, 1853, almost at the psychological moment for utilization by Senator Atchison and Senator Douglas, had the doctrine of supersedure been definitely formulated and specifically applied to Nebraska Territory.

²⁷⁰ Two days later [December 16] the *Argus* had this editorial: ". . . The Compromise men of the North do not hesitate to express it as their preference that Nebraska should prohibit slavery as emphatically as the State of New York has done. But it must be done by the people themselves interested, in proper time and when the population of the incoming State shall begin to be fixed and settled. They stand by the principle of the Nicholson letter of General Cass now and hereafter, and insist that by that rule all future disputes shall be settled. The bill for the organization of the new Territory now before the Senate is understood to reaffirm the exclusive and invidious legislation of the Missouri Compromise, and no friend of the peace and permanence of our Union can fail to reprobate and oppose the relighting of a flame which cannot be stifled by official assurances and which may defy another attempt to stay its ravages."

CHAPTER VII

The Congressional Aspects of the Missouri Contest—The Nebraska Bill in the 33d Congress—The Evidence of Washington Correspondents—Pressure upon Douglas to Champion the Repeal—The Influence of Senator Atchison—Report of January 4, 1854—Dixon's Amendment—The Administration.

Having traced the local beginnings of the Nebraska territorial movement in the West, it now becomes necessary to take up the Congressional aspects of the Missouri fight and show their connection with the early legislative history of the Kansas-Nebraska bill.

On December 5, 1853, the day on which the 33d Congress opened, Senator A. C. Dodge of Iowa gave notice of his intention to introduce a bill for the organization of a territorial government for Nebraska,²⁷¹ which he did introduce on the fourteenth. The bill was immediately referred to the Committee on Territories of which Mr. Douglas was the chairman as well as the most prominent and influential member.²⁷² In the House a Nebraska bill, practically

²⁷¹ *Cong. Globe*, xxviii, Pt. i, 1.

²⁷² *Cong. Globe*, xxviii, Pt. i, 44. This Committee consisted of Douglas, of Illinois, Gen. Sam Houston, of Texas, Robert W. Johnson, of Arkansas, and George W. Jones, of Iowa, Democrats; and John Bell, of Tennessee, and Edward Everett, of Massachusetts, Whigs. The Free and the Slave States were thus equally represented on this very important Committee.

the duplicate of Senator Dodge's bill, was introduced by Hon. J. G. Miller of Missouri on the twenty-second of December,²⁷³ and immediately referred to the Committee on Territories of which Hon. W. A. Richardson of Illinois was chairman.

The real significance of these facts has been missed by historians who, approaching the origin of the Repeal through the pages of the *Congressional Globe*, have been unduly impressed with the prominent part played by Senator Douglas. They have assumed that it originated with a Senator who had spent the summer and early autumn of 1853 in Europe, and had returned to Washington only a month before Congress met; and who has left good evidence that the reopening of the slavery agitation in connection with Nebraska Territory was unexpected by him three weeks before Congress convened.²⁷⁴ Whereas the fact is that the questions involved in the Nebraska territorial movement were forced upon the attention of the committees of which Mr. Douglas and his colleague in the House were the chairmen, possibly against their will and apparently without much foreknowledge on the part of Senator Douglas, by representatives of the two States most deeply interested.

It is not strange that a great degree of mystery should heretofore seem to have surrounded the repeal of the time-honored Missouri Compromise. The difficulty has been to get behind the scenes and discover what was going on in and around the halls

²⁷³ *Cong. Globe*, xxviii, Pt. i, 87.

²⁷⁴ The letter to Walker and Lanphier, quoted in preceding chapter.

of Congress between the fifth of December, and the twenty-third of January.²⁷⁵ The pages of the *Congressional Globe* record only results. Of the processes by which those results are achieved, there is seldom any record. Politicians, as well as the Almighty, often "move in a mysterious way" their "wonders to perform." One cannot expect, in the nature of the case, to get much evidence of what was occurring in the corridors and committee rooms at the Capitol, and at the lodgings of Senators and Representatives. Nevertheless we are not left entirely in the dark. One source of information little used by previous writers sheds considerable light upon what was taking place outside the Senate Chamber and the Hall of Representatives. Upon the testimony of the "Washington Correspondents" of the great newspapers of the day, it must be admitted, implicit reliance for accuracy cannot be placed; but in the absence of contradicting evidence, their testimony may be entitled to greater weight than would otherwise be the case. Especially will this be true if their testimony fits with surprising exactness into the facts presented in the preceding chapters.

"Notice has been given in Congress of the introduction of a bill for the creation of a territorial government for Nebraska," wrote "Fairfax," the Washington Correspondent of the Richmond *Enquirer* within a week after the opening of Congress.²⁷⁶ To "Fairfax" it was plain that Congress would wit-

²⁷⁵ That is to say, between the opening of Congress and the reporting of the Kansas-Nebraska bill in the Senate.

²⁷⁶ Writing Dec. 11, in issue of Dec. 16, 1853.

ness a renewal of the slavery agitation as a direct result of political conditions in Missouri.

"This subject," he went on to say, "is one of great interest and will create much feeling. The freesoilers led on by Mr. Benton will make every effort to hasten on a territorial organization, hoping thereby to be able to exclude slavery from it. This gentleman announced some time ago in Missouri that Nebraska was open for settlement. . . . The facts relating to the matter should be understood and the objects of Mr. Benton and those who act with him cannot be mistaken. To prevent the Southerners from carrying their property into Nebraska, to have another free State touching the slave State of Missouri, to influence the next August elections in Missouri, and the presidential campaign of 1856: these are the objects of Mr. Benton and his freesoil allies."

Writing ten days later the same Correspondent again called attention to the subject of Nebraska and to Mr. Atchison's attitude:²⁷⁷

" . . . The President of the Senate, Mr. Atchison, *is pledged by his speeches before the people of Missouri to move the repeal of the law prohibiting slavery in the Territory north of the parallel of 36° 30'.* He will oppose the Nebraska territorial bill and insist upon the admission of slavery into the Territory, if it be established at all, both on the original constitutional ground, and also upon the ground that it would be prejudicial to the interests of Missouri to be surrounded by a cordon of free States. Mr. Douglas will soon report the Nebraska bill and we shall witness a renewal thereupon of slavery agitation. In fine as long as slavery exists it will be a subject of political or religious or sectional or philanthropic agitation. Let it be known that at all events the great feature of the opening of the 33d Congress is the slavery discussion and that too in a House remarkable beyond its predecessors for men of experience and moderation and general ability."

²⁷⁷ Writing Dec. 24, in issue of Dec. 26, 1853. The italics are mine.

Even the distant *Missouri Republican* had its Correspondent at Washington.²⁷⁸

"Old Bullion was not so far out," he wrote, "when he said slavery and Nebraska would be the questions of the session. The proceedings in respect to the Territories are yet somewhat vague and indefinite but *some very interesting and important propositions have been laid before the Committee by the outsiders who assume to regulate their deliberations*; and from the present aspect of this subject, I am inclined to think that the freesoilers have rather caught a Tartar with this Nebraska question and don't know what to do with him. It is well known that Mr. Atchison, Col. Manypenny and the conservatives on the question that lies under and beyond the organization of Nebraska were willing to waive the agitation this winter. . . . Now, however, the ball is opened.

²⁷⁸ Writing Dec. 31, in issue of Jan. 7, 1854. Almost a week before this correspondent had written: "The war between Col. Benton on the one hand, and Atchison, Gwin [Senator from Cal.], Phelps, Lamb [two Representatives from Missouri], and the general body of the regular Democracy on the other hand, goes merrily on. Nebraska and the Pacific railroad may be considered the field of strife, the seat in the Senate, and sundry local offices in Missouri, the bones over which the growling and fighting is immediately going on. A few days since, Mr. Benton made a characteristic article in the *Intelligencer* assailing Senator Gwin and the officers in the army because Gwin had read letters from some of the latter declaring that the more southern route was the best for the railroad by a course of reasoning clear, direct, and conclusive as a buffalo trail to a salt lick. Col. Benton showed that all the opposition to his central route sprang from a deadly hostility to him and Fremont, which hostility originated in the fact that they had not come into public life through the West Point Gate. Dr. Gwin replies in four columns of the same paper charging several things upon Benton and among the rest alleging that his central route is a humbug which if persevered in will carry the railroad entirely out of Missouri. Somebody remarked to Mr. Benton yesterday that Gwin's reply had rather used him up, to which he is said to have responded: 'Sir, I will slice him into fragments. Sir, I will demolish him. Yes, Sir!' . . . Mr. Benton with all his talents and information on public affairs is like the 'fretful porcupine' pointing a quill, often tipped with gall, at every passer-by. The destiny of the sons of Ishmael seems to be his, 'he has turned his hands against every man and every man's hand is against him!'" In issue of Dec. 23, 1853. Compare this last with Rogers's *Benton*, 315 ff.

The freesoilers have set forth their program, which is 'Nebraska immediately if not sooner.'"

It is not an unwarranted inference from this communication that some pressure was being brought to bear upon the Committee on Territories — which, so far as practical legislation was concerned, meant Mr. Douglas — to report the Nebraska bill in such a form that it would bear a direct relation to the political situation in Missouri. Indeed one might very reasonably expect that such pressure would be brought to bear on Senator Douglas. We have seen that the Nebraska territorial question was bound to and did come before the Committee on Territories when Congress met. Senator Douglas was thus obliged to act, and to act either with the conservative, slavery-restrictionist element in the Democratic party, or with the radical, pro-slavery wing. He himself declared afterwards that he had been no "volunteer" in the matter: "I have been Chairman of the Committee on Territories for the past ten years," he said, "and it was my duty to act in this matter and bring forward this bill. *I was no volunteer in this matter. It devolved upon me as a duty.*"²⁷⁹ Whence came this outside pressure and what were the considerations which determined with which wing of the party he would coöperate?

²⁷⁹ The italics are mine. This declaration was made by Mr. Douglas in the course of a speech at the Illinois State Agricultural Fair on the third of October, 1854, five months after the passage of the Kansas-Nebraska bill. The speech is reported in the *Missouri Republican*, October 6, 1854. Mr. Lincoln was present, and the next day replied to Mr. Douglas in a four-hour speech. There is also a brief account of these speeches in the *Weekly Democratic Press* (Chicago), October 14, 1854.

Some time after the Repeal,²⁸⁰ Senator Atchison claimed that he came to Washington with pledges to the people of Missouri hardly cold upon his lips to support a Nebraska territorial bill on condition that it should repeal the Missouri Compromise. He therefore desired to be chairman of the Committee on Territories when the Nebraska bill was to be introduced, with the object, one may fairly assume, of obtaining full credit in Missouri for his efforts in this direction. With this purpose in mind, Mr. Atchison claimed to have had an interview with Senator Douglas at which he informed Mr. Douglas of what he desired, the introduction of a bill for Nebraska like the one he had promised to vote for, and that he would like to be chairman of the Committee on Territories in order to introduce such a measure. If he could get that position, he would immediately resign as President *pro tempore* of the Senate. Mr. Douglas, according to Atchison's story, requested time to consider the matter, saying that if, at the expiration of a given time, he could not introduce such a bill as Senator Atchison proposed and which would at the same time accord with his own sense of right and justice to the South, he would resign as chairman of the Committee in Democratic caucus, and exert his influence to get Atchison appointed.

No good reason exists for rejecting the foregoing claim of Senator Atchison. There is nothing

²⁸⁰ Sept. 20, 1854, in a speech at Atchison in Kansas Territory. Appendix E contains two accounts of this speech and a discussion of Douglas's denial of its correctness.

in it which is improbable, or unreasonable. On the contrary it was most natural in view of Senator Atchison's obvious interest in the subject. If, to his personal interest, the further fact be added that Atchison and Douglas were close friends,²⁸¹ that Douglas entertained a strong dislike of Benton,²⁸² that within the two years preceding Douglas on more than one occasion had gone over into Missouri to aid the Atchison faction against Benton,²⁸³ the probability of Atchison seeking the coöperation of Mr. Douglas at this critical moment becomes almost a certainty.

Assuming that Atchison sought to influence Senator Douglas, it is easy to see how powerful an appeal he could make for the incorporation into Dodge's Nebraska bill, when in Douglas's committee, of a clause which in effect should repeal the Compromise restriction. It is fair to argue that Senator Atchison's political necessity might have been so presented as to appear as Douglas's great political opportunity. In the first place, by championing the Repeal Mr. Doug-

²⁸¹ See Washington correspondent of the *Missouri Republican* quoted on pages 220, 221.

²⁸² *Ibid.*

²⁸³ The following which occurs in the course of a long letter of F. P. Blair, Jr., to the *Missouri Democrat*, dated March 1, 1856, inferentially at least supports the idea of a friendship existing between Atchison and Douglas, or at least the existence of a feeling of hostility between Douglas and Colonel Benton:

"Mr. Douglas especially has taken the trouble, on several occasions within the last two years, to visit the State of Missouri, to give aid and comfort to the 'Nullifiers and Rottens,' the 'Shinplaster Democracy,' who have been warring on Old Bullion here since the advent of Tyler. They deserve to be betrayed who harbored and cherished this restless intriguer whilst he was assailing the most illustrious of living Democrats. . . ."
See *Rev. Pol. Action*, 76.

las would be assisting a political and personal friend in dire straits. Furthermore, he would be placing the radical wing of the Southern Democracy under obligation to himself, and thus would very materially increase his chances of obtaining the presidential nomination in 1856. The principle of popular sovereignty would afford ground upon which the rank and file of the factions in Missouri might unite in harmony, since each faction had but recently declared in favor of that method of deciding the "vexed" question; and this would enhance the popularity of the measure in other portions of the West. Ready at hand was a plausible justification for attaching the repeal feature to the Nebraska bill; Democratic newspapers had already interpreted the Compromise of 1850 as applicable to Nebraska. Loyalty to that Compromise as thus interpreted could be made a test of political orthodoxy in New York where the party was suffering from serious internal dissensions. Moreover, to this basis for the Repeal objections from either of the two national parties would be forestalled by the doctrine of super-sedure, for both parties stood committed to the finality of the Compromise of 1850. If, in addition to this, it be conceded that Mr. Douglas was a sincere believer in the dogma of popular sovereignty, it requires no abnormal imagination to conceive how effectively a personal and political friend could have appealed to Mr. Douglas to assume official responsibility for the Repeal. In a word, it might have been presented as a turning point in Senator Douglas's political career. One path seemed to lead to the

highest political reward, the realization of his presidential aspirations. The other seemed to involve resignation from the chairmanship of the Committee on Territories, in those years perhaps the most prominent, perhaps the most important, Committee in the Senate, with a consequent loss of prestige in both the West and the South. Even to a less "practical" politician than Mr. Douglas the appeal might well prove irresistible. That Senator Douglas should have hesitated and weighed the consequences was most natural, for clearly the situation marked a crisis of which he must have been fully conscious.²⁸⁴

Senator Atchison did not arrive in Washington until late in November,²⁸⁵ and whatever conversation upon this subject he may have had with Mr. Douglas doubtless occurred in December and probably during the three weeks²⁸⁶ after the Walker and Lanphier letter and while the Dodge bill was in the hands of Douglas's committee. Toward the end of that period it began to leak out that something unusual was under consideration. The Correspondent of the *Baltimore Sun* wrote:²⁸⁷

" . . . The Senate Committee on Territories has it [the Nebraska bill] under consideration and will probably report in

²⁸⁴ If proof of this were needed, there is the well-known letter of Senator Archibald Dixon of Kentucky to Henry S. Foote, which, stripped of its melodramatic garb, certainly indicates hesitation and consciousness of a crisis on the part of Mr. Douglas. This letter is given in Flint's *Life of Douglas*, 158 ff; Mrs. Dixon's *True History of the Missouri Compromise*, 445-448.

²⁸⁵ Atchison's letter to the editor of the *Missouri Examiner*, in the *Washington Union*, Dec. 23, 1853.

²⁸⁶ From Dec. 14, 1853, to January 4, 1854.

²⁸⁷ Quoted in the *Cincinnati Inquirer*, Jan. 3, 1854.

favor of the organization of more than one territorial government. A plan has been proposed also to avoid the opposition to the bill which has been threatened by Mr. Atchison in his addresses to the people of Missouri. Some means will be adopted for the prevention of the threatened revival of the slavery question in this bill."

About the same time the Correspondent of the Charleston *Courier* had evidently been admitted to inside information, for he wrote to his paper:²⁸⁸

"The speeches of Senator Atchison in Missouri pledge him and his constituents mutually to raise a storm here against the slavery restriction when the subject of Nebraska Territory shall come up. That the question is certain to come off I have heard from all quarters. I have conversed with some members of the Senate committee on territories, however, and they think they will be able to give the bill a form which will suit all parties in relation to the admission of slaves. *They will put the project on the basis of the Compromise of 1850*, as applicable to the Territories of New Mexico and Utah. . . ."

By the fourth of January, Senator Douglas seems to have reached a decision. On that day he reported back to the Senate the Nebraska bill introduced by Senator Dodge. It had made no reference to the subject of slavery; but it now carried important amendments relating to that subject and was accompanied by a special report of an unusual nature.²⁸⁹ The amendments constituted a new section:

"Section 21. *And be it further enacted*, That in order to avoid all misconstruction, it is hereby declared to be the true intent and meaning of this act, so far as the question of slavery is concerned, to carry into practical operation the following prop-

²⁸⁸ Writing Dec. 28, 1853, in issue of Jan. 2, 1854. The italics are mine. See also Washington correspondent of the N. Y. *Journal of Commerce*, in issue of Dec. 27, 1853, and Rhodes's *Hist. of U. S.*, i, 431 n.

²⁸⁹ *Cong. Globe*, xxviii, Pt. i, 222.

ositions and principles established by the compromise measures of 1850, to-wit:

“First: That all questions pertaining to slavery in the Territories and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives.

“Second: That ‘all cases involving title to slaves,’ and ‘questions of personal freedom,’ are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

“Third: That the provisions of the Constitution and laws of the United States, in respect to fugitives from service, are to be carried into faithful execution in all the ‘organized Territories,’ the same as in the States.”

In the report which accompanied the bill,²⁹⁰ and of which Mr. Douglas was probably the author, the Committee took occasion to commend to the Senate the principal amendments to the Dodge bill upon the ground that by those amendments

“The principles established by the compromise measures of 1850, so far as they are applicable to territorial organizations, are proposed to be affirmed and carried into practical operation within the limits of the new Territory.”

The Committee then went on to state what they regarded as having been the object and intent of the Compromise measures of 1850:

“In the judgment of your Committee, those measures were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisitions of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but, in all time to come, avoid the perils of a similar agitation, by withdrawing the question of slavery from the halls of Congress and the political arena, and committing

²⁹⁰ *Senate Reports*, 1st Sess., 33d Cong., i, No. 15.

it to the arbitrament of those who were immediately interested in, and alone responsible for its consequences."

With a view to making their action conform to what they regarded as the settled policy of the Government, "sanctioned by the approving voice of the American people," the Committee

"deemed it their duty to incorporate and perpetuate, in their territorial bill, the principles and the spirit of . . . [the compromise] measures."

The discussion of the bill then went over until the twenty-third of January. In the meantime, however, Senator Archibald Dixon of Kentucky, a Whig who was serving out the unexpired term of Henry Clay, gave notice that when the bill should come up for consideration he would offer an amendment,²⁹¹ in the form of an added section, providing that the Missouri Compromise restriction upon slavery

"shall not be so construed as to apply to the Territory contemplated by this act, or to any other Territory of the United States; but that the citizens of the several States and Territories shall be at liberty to take and hold their slaves within any of the Territories of the United States, or of the States to be formed therefrom, as if the said . . [prohibition] had never been passed." In other words, Senator Dixon, although a Whig, proposed to apply to this new Nebraska Territory the simon-pure Calhoun doctrine, which Senator Atchison had been supporting in Missouri.

On the twenty-third of January, Mr. Douglas called up the Nebraska bill, and for the Committee on Territories, reported a substitute bill for the one reported on January 4. This new bill divided the territory described in the earlier bill and provided

²⁹¹ *Cong. Globe*, xxviii, Pt. i, 175.

for the organization of the two Territories, Kansas and Nebraska.²⁹² The bill, henceforth known as the

²⁹² *Cong. Globe*, xxviii, Pt. i, 221. The following story of the way in which the organization of two Territories came about is told by Hadley D. Johnson. Incidentally it indicates that Mr. Douglas was quite susceptible to outside influences.

"Before starting [for Washington] a number of our citizens who took such a deep interest in the organization of a Territory west of Iowa, had on due thought and consultation agreed upon a plan which I had formed, which was the organization of two Territories west of the Missouri river, instead of one as had heretofore been contemplated, and I had traced on a map hanging in the office of Johnson & Cassidy a line which I hoped would be the southern boundary of Nebraska, which it did finally become, and so continues to the present time. . . . Hon. A. C. Dodge, Senator from Iowa, who had from the first been an ardent friend and advocate of my plan, introduced me to Judge Douglas, to whom I unfolded my plan, and asked him to adopt it, which after mature consideration, he decided to do, and he agreed that, as Chairman of the Committee on Territories, he would report a substitute for the pending bill, which afterwards he did do, and this substitute became the celebrated 'Nebraska Bill,' and provided, as you know, for the organization of the Territories of Kansas and Nebraska." Compare with Senator Dodge's remarks, quoted in note 251.

"In our negotiations as to the dividing line a good deal of trouble was encountered, Mr. [Thomas] Johnson and his Missouri friends being very anxious that the Platte river should constitute the line, which obviously would not suit the people of Iowa, especially as I believed it was a plan of the American Fur Company to colonize the Indians north of the Platte river. As this plan did not meet with the approbation of my friends or myself, I firmly resolved that this line should not be adopted. Judge Douglas was kind enough to leave that question to me, and I offered to Mr. Johnson the choice of two lines, first, the present line, or second, an imaginary line traversing that divide between the Platte and the Kaw.

"After considerable parleying, and Mr. Johnson not being willing to accept either line, I finally offered the two alternatives — the fortieth degree of north latitude, or the defeat of the whole bill, for that session at least. After consulting with his friends, I presume, Mr. Johnson very reluctantly consented to the fortieth degree as the dividing line between the two Territories, whereupon Judge Douglas prepared and introduced the substitute." — *Nebr. State Hist. Soc. Trans. and Reports*, ii, 80. See Douglas's explanation of the division given in his speech of Jan. 23, 1854, *Cong. Globe*, xxviii, Pt. i, 221.

Kansas-Nebraska bill,²⁹³ contained the following section:

"Section 14. . . . The Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territories as elsewhere in the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, *which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is declared inoperative.*"

Historians have been somewhat puzzled by the fourth of January report, by the Dixon amendment, and by the substitution of a bill creating two Territories and expressly repealing the Missouri Compromise.

If we take into consideration the difficult problem confronting Senator Douglas after the opening of Congress, his natural hesitation before committing himself to the solution which the interests of Senator Atchison demanded, and the desire of the Iowa Delegate, Hadley D. Johnson, for two Territories, the puzzle becomes simplified.

It is not unfair to regard the fourth of January bill and report as in the nature of an experiment. Mr. Douglas has now decided to pursue the course desired by the Senator from Missouri. Just which consideration was decisive, it is impossible to say. But having reached a decision Mr. Douglas may well have been troubled with serious doubts as to the best method of formulating the legislation necessary to effect the Repeal. He would naturally take the

²⁹³ For a brief history of the change in title from "Nebraska-Kansas" bill to the "Kansas-Nebraska" bill, see Kan. Hist. Soc. *Trans.*, ix, 117 n.

greatest pains to choose language as mild, as plausible as possible, and not likely to provoke the hostility of the anti-slavery wing of his party. The Repeal must be disguised under the most carefully selected phraseology in order to avoid, if possible, a renewal of the slavery agitation. The bill must be made acceptable to all parties; and so he attempts a compromise. Hence the extraordinary pains betrayed in this extraordinary report to gloss over the real significance of what was being done; hence the mild and circumlocutory phraseology. Mr. Douglas is feeling his way, endeavoring to ward off agitation. The bill and report of January 4 constitute a vain attempt to accomplish the Repeal by a sort of compromise measure based upon an analogy between the divergent views in 1850 regarding the status of slavery under Mexican law in the territory acquired from Mexico, and the divergent views in 1854 regarding the validity of the Missouri Compromise prohibition of slavery in the territory acquired from France.

His efforts were in vain. The anti-slavery leaders at once took alarm.²⁹⁴ The pro-slavery leaders were dissatisfied at the ambiguous language. And so Senator Dixon, another friend of Senator Atchison, gave notice of his amendment repealing the Missouri Compromise in the most explicit terms.²⁹⁵

²⁹⁴ Hence the "Appeal of the Independent Democrats in Congress," *Cong. Globe*, xxviii, Pt. i, 281.

²⁹⁵ "On examining that bill [Nebraska bill of January 4] it struck me that it was deficient in one material respect; it did not in terms repeal the restrictive prohibition in regard to slavery embodied in the Missouri Compromise. This, to me, was a deficiency that I thought it imperiously necessary to supply;" — Dixon to Foote, in Flint's *Life of Douglas*, 139.

There is no evidence upon the point, but it is not unreasonable to suppose that Mr. Atchison or his friends may, for the purpose of influencing Mr. Douglas, have instigated this action by Senator Dixon, who, although a Whig, when it came to slavery, "knew no Whiggery and knew no Democracy."²⁹⁶ It would be shrewd politics to startle Senator Douglas, to make him apprehensive that his political thunder was to be stolen, and by a Whig! If therefore he wished to turn the Repeal to his own political profit there must be no ambiguous hedging, no measure the legal effect of which could be open to question. At any rate, there is evidence that Senator Douglas was disconcerted by Senator Dixon's manœuvre.²⁹⁷ This convinced him that the radicals were determined to push the Repeal whether with or without his help, and that if he was to make political capital out of it, the time had arrived, at least so far as the language of the bill was concerned, to come out boldly, unreservedly and unequivocally in support of the Repeal. So within a week after Senator Dixon's notice Mr. Douglas reported the substitute, or Kansas-Nebraska bill, of January 23, repealing the Missouri Compromise in terms clear and unmistakable, and so satisfactory to the radical Senator Dixon that he withdrew his amendment.²⁹⁸ By the twenty-

²⁹⁶ *Cong. Globe*, xxviii, Pt. i, 240.

²⁹⁷ "My amendment seemed to take the Senate by surprise, and no one appeared more startled than Judge Douglas himself." — Dixon to Foote.

²⁹⁸ "The Senator from Kentucky, on the sixteenth of January, submitted an amendment which came square up to the repeal. . . . That amendment probably produced some fluttering and some consultations. It met the views of Southern Senators, and probably determined the shape which the

third of January, therefore, the Rubicon is crossed: henceforth there must be no retreating, no equivocating, if Mr. Douglas expected to gain anything. That he met the whirlwind of wrath which ensued as successfully as he did is perhaps the best commentary upon his courage and cleverness as a politician and his ability as a debater and popular orator.

But before committing himself finally and irrevocably to the Repeal, Mr. Douglas and those more personally interested in the success of the measure realized the essential importance of securing the support of the Administration. In the week between the Dixon amendment and the twenty-third of January, this support was secured. The account of the way in which it was brought about as told by the Correspondent of the New York *Herald*²⁹⁹ is not only interesting but significant for the prominence which it gives to Senator Atchison in accomplishing the desired result; also, as will appear later, for the prominence given to the names of Senators Hunter and Mason of Virginia.

“. . . . The Cabinet was in session all day yesterday and to a late hour in the evening discussing the merits of the Nebraska bill and the amendment proposed by Senator Dixon. The result of the Cabinet deliberations yesterday has been an

bill has finally assumed. Of the various mutations which it has undergone, I can hardly be mistaken in attributing the last [Jan. 23] to the amendment of the Senator from Kentucky. . . . I know of no cause which will account for the remarkable changes which the bill underwent after the sixteenth of January, other than that amendment, and the determination of Southern Senators to support it, and to vote against any provision recognizing the right of any territorial legislature to prohibit the introduction of slavery.”—Chase in Senate, Feb. 3, 1854. *Cong. Globe*, xxix, 135.

²⁹⁹ Writing Jan. 22, in issue of Jan. 23, 1854.

agreement to have an amendment offered in the Senate by way of compromise adding to the 21st section of the Nebraska bill a proviso to the effect that the rights of persons and property shall be subject only to the restrictions and limitations imposed by the Constitution of the United States and the acts giving governments, to be adjusted by a decision of the Supreme Court of the United States."

Writing on the twenty-third of January,³⁰⁰ the day on which the Kansas-Nebraska bill was substituted, the same Correspondent said:

"The past twenty-four hours have witnessed a complete somersault of the President and Cabinet on the Nebraska matter. In order to understand the whole matter we must give a brief narrative. The amendment which was sent you yesterday was submitted by Mr. Breckenridge of Kentucky and Mr. Phillips of Alabama to Judge Douglas, who, it was understood, was prepared with an amendment declaring the Missouri Compromise inoperative. The same amendment he offered to-day. Mr. Douglas stated that he had no particular objections to the Cabinet amendment, if the South would consent to accept it; for he considered his bill as originally reported in fact amounting to an abrogation of the Missouri Compromise. The gentlemen then called upon several leading men, Messrs. *Atchison, Mason, Hunter*, [the italics are mine] and others, and discovered that the Cabinet amendment would not go down at all. This fact having been communicated to the President, he begged his friends to get the leading members together for consultation yesterday (Sunday). The result of this consultation was an agreement that the amendment presented to-day by Judge Douglas should be agreed upon and the South would resist any other amendment upon the bill. [Here the amendment is quoted.] It will be seen that it does not use the word 'repeal' but substitutes the words 'supersedes' and 'inoperative.' This is done to avoid the opposition of the ultra Southern men who contend that the Missouri law is unconstitutional and who would therefore refuse

³⁰⁰ In issue of Jan. 24, 1854.

to 'repeal' an unconstitutional enactment, a mere quibble of course as to words.

"Mr. Atchison, Hunter, Mason, Douglas, Bright, Breckinridge, Phillips, and perhaps some others, accordingly repaired yesterday afternoon to the White House to see the President, and tell him the result of their deliberations. The President, however, having probably heard of his supreme court amendment, told the gentlemen that he had 'religious scruples about discussing the subject on Sunday.' The gentlemen did not appreciate the difference between the propriety of the President directing them to discuss the matter, Sunday though it was, and his joining in the discussion himself, then stated *through Mr. Atchison*, that if the President declined to discuss the proposition, they would take it for granted that he favored it and would regard the amendment abrogating the Missouri Compromise as an Administration measure. Upon this the President spoke and after sundry gyrations, agreed that the bill should be reported, and said the Administration would then take ground. The gentlemen left with the understanding that the Administration would take ground in its favor."

On the second of April the Correspondent of the *Missouri Republican* wrote:³⁰¹

" . . . The assent and support of Gen. Pierce had been obtained before the bill was introduced and when it was afterwards thought necessary to change its phraseology, Pierce was again consulted and drew the amendment by which the Missouri act was to be 'superseded.' It was thought advisable by *Douglas* and *Atchison* to induce the President to commit himself in this manner in order to avoid risk of his withdravwing his countenance after the battle should be joined. They therefore insisted upon this course, and Pierce with great good nature complied. With the famous clause repealing the Missouri Compromise in his own

³⁰¹ In issue of April 10, 1854. See also the Boston *Atlas* editorial, May 16, 1854; letter of Salmon P. Chase to E. S. Hainlin, Jan. 23, 1854, in "Chase Correspondence," in Am. Hist. Assn. Report, 1902, ii, 256; Wilson's *Rise and Fall of the Slave Power*, ii, 382-383; New York *Evening Post*, Oct. 20, 1855, quoted in Kan. Hist. Soc. *Trans.*, ix, 120 n.

hand-writing Gen. Pierce cannot recant his promise nor refuse the assistance of his Democratic bodyguard in the House to support and carry it where that sort of strength was most required and where he alone could command it."

Outside the Senate Chamber Senator Atchison was evidently playing an active and important part in bringing about the Repeal; and this illustrates the importance of looking beyond the pages of the *Congressional Globe* to discover the real history of the repeal of the Missouri Compromise. From the *Globe* it might be inferred that Senator Atchison had little to do with the Repeal, since he took almost no part in the debate upon the Kansas-Nebraska bill. The *Globe* indicates that he made only two very brief speeches³⁰² and that these speeches were not directed to the principal topic of debate but to the Clayton amendment whereby aliens were to be excluded from political privileges in the new Territories.³⁰³ His

³⁰² March 2, and May 24; *Cong. Globe*, xxix, 301; *ibid.*, xxviii, Pt. ii, 1303.

³⁰³ The correspondent of the *Missouri Republican* writing March 6, 1854, in issue of March 14, stated that Atchison had inspired the Clayton amendment, and then went on to say: "Atchison's object was this: Benton will be compelled to vote for the bill as an alternative to political martyrdom. Benton's chief strength is with the German Democrats of St. Louis and vicinity. Mr. Atchison not only does not like these Red Republicans, but cordially hates them and the sentiment on their part is cordially reciprocated. He is willing therefore to give them a proof of his affection under the fifth rib; but would not go out of his way to do it but that he thinks that through their ribs he can reach the vitals of Old Bullion. Now by the amendment adopted the newly arrived brethren of these Germans will be kept out of Nebraska or they will be excluded from interfering with the native citizens on the slavery question. Benton must take or reject the bill with this feature. If he adopts it, the Germans cut him; if he votes against the bill, Missouri repudiates him. Upon the whole it would seem that Atchison has got him."

Atchison voted for this amendment but did not instigate Clayton to

silence however is not at all inconsistent with the idea that he exerted a powerful influence in shaping this piece of legislation.³⁰⁴ It may in part be explained by the fact that as President *pro tempore* of the Senate after the death of Vice-President King, Mr. Atchison as presiding officer could hardly be expected to, and as a matter of fact did not, participate in debate as

introduce it. When the bill came back to the Senate for concurrence in the House amendments, among which was the omission of the Clayton amendment, Senator Atchison explained briefly why he was willing to concur:

"There is no constitutional question in my opinion involved either by voting for or against this amendment. It is a mere question of policy; and that question of policy I am willing to yield for the sake of a higher principle contained in this bill. *Sir, I would vote for this bill, although there might be not only one but one thousand obnoxious principles contained in it.* I would vote for it because it blots out that infamous, yes, sir, I think it is a proper term to be used; *that infamous restriction passed by the Congress of 1820*, commonly called the Missouri Compromise, passed when the State which I now have in part the honor to represent, asked admission into the Union of these States. . . . Yes, sir, if this bill contained one thousand obnoxious principles, with the repeal of that infamous 'compromise,' as it is called, I should vote for it. When this is done, we shall have achieved what, after thirty years of struggle, has only been consummated at this session.

"As I said before, I believe that, as a matter of policy, none but American citizens, native-born, or naturalized, should be entitled to vote or to hold office in this country; but still I am willing to yield this; and as a Southern man, as *representing a State more deeply interested in the passage of this bill, perhaps, than any other State in the Union*, I say that, practically, it will have no effect upon the institutions of these territories. . . ."—*Cong. Globe*, xxviii, Pt. ii, 1303. The italics are mine.

³⁰⁴ In the recent debates upon the railway rate bill, Senator Aldrich of Rhode Island took no conspicuous part; but no one will venture to say that he did not exert a very important influence in shaping that piece of legislation.

Vice-President King died April 18, 1853, before he had taken the oath of office; Senator Atchison was thereupon elected President *pro tempore* at the opening of the 33d Congress. Pearce of Maryland and Atchison were the only Senators in this Congress who had been in the Senate for ten consecutive years.—*National Intelligencer*, Dec. 24, 1853.

actively as many other Senators. Furthermore it is not always the talkers, the debaters of the House or Senate who are the most influential members of Congress. Atchison and Benton, for example, were representatives of two types of men to be found in every deliberative body. The former preferred the less conspicuous but not less potent and more difficult rôle of influencing legislation through personal appeals. Benton chose the more conspicuous stage of the speech-maker. As Senator Atchison, with Benton in mind, truly said: "stormy speeches and bills full of attractive promises the people can be made to know all about; but the unknown labor in committee and in Congress necessary to command success by making measures understood, the people cannot be made fully to appreciate."

On the sixth of February, the bill then being under consideration in the Senate, Mr. Douglas moved to amend the substitute bill reported on the twenty-third of January, by striking out from Section 14 the words, "which was superseded by," and inserting in their place the words, "which is inconsistent with." The clause will then provide, said Mr. Douglas,

"that the Constitution and laws not locally inapplicable shall have the same force in the Territory as elsewhere, except the eighth section of the Missouri act, 'which is inconsistent with the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative.' This is the express idea conveyed in the original words, but I prefer to make it plainer."³⁰⁵

³⁰⁵ *Cong. Globe*, xxviii, Pt. i, 343.

Considerable discussion followed as to the relative merits of the two phrases, "superseded by" and "inconsistent with," in which Senators Cass and Stuart of Michigan, Badger of North Carolina, and Walker of Wisconsin, participated.³⁰⁶ The matter then went over until the next morning. In the meantime Senator Douglas had an opportunity to take counsel with the friends of the bill, and when the Senate reconvened the next day Mr. Douglas had perfected his amendment. He rose and stated that he had drawn an amendment which he believed would meet the approbation of the friends of the bill. He therefore moved to amend the fourteenth section by striking out the words,

" . . . which [the Missouri Compromise act] was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative,"

and inserting the words,

"which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any territory or state, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

"I move that amendment *with the general concurrence of the friends of the measure*," said Mr. Douglas: "it will apply to both Territories." The

³⁰⁶ *Cong. Globe*, xxviii, Pt. i, 353 ff.

amendment was adopted on the fifteenth of February.³⁰⁷

With this vote it was in fact determined³⁰⁸ that the Missouri Compromise should be repealed as Senator Atchison had suggested. But so far as the official record shows, Stephen A. Douglas and not Mr. Atchison was the author of the Repeal.

³⁰⁷ Feb. 7, 1854; *Cong. Globe*, xxviii, Pt. i, 353. The italics are mine.

Of the thirty-five Senators who voted for the amendment, twenty-three were Democrats and twelve were Whigs; twelve were Northern or Free State Democrats, and one a Free State Whig. Of the ten who voted against the amendment, all but one, Houston of Texas, were from Free States; five were Whigs, three were Democrats, and two, Free-soilers. *Ibid.*, 421. *Senate Journal*, 1st Sess., 33d Cong., 188.

³⁰⁸ Although the bill underwent amendment in other respects during the long debates in the Senate and the House, this important section remained unaltered.

CHAPTER VIII

The Congressional Aspects of the Missouri Contest (continued)

—How the Kansas-Nebraska Bill with the Repeal Affected Colonel Benton—Senator Atchison's Letter Reviewing the Campaign—Colonel John A. Parker's "Secret History of the Kansas-Nebraska Bill"—Testimony of Francis P. Blair, Jr.—Senator Atchison, the Real Author of the Repeal.

It is not difficult now to perceive the intimate relation which the amended Dodge bill of January 4 sustained to the desires of Senator Atchison and to the Missouri senatorial contest. The Correspondent of the New York *Journal of Commerce* wrote the next day:³⁰⁹

"The Nebraska bill reported by Senator Douglas is destined to create renewed excitement as to the slavery question, but its provisions have been well considered, and I am glad to say, meet with general approbation. *It is said that Mr. Atchison and Mr. Everett will support the bill*, and the friends of the Compromise of 1850 are called upon to maintain it and thus carry out the principles of that pacification. . . . The Administration approves of the measure, but was not consulted in regard to it before the Senate Committee on Territories had agreed upon it. . . . If this bill should pass it will settle the question as to the future Territories."

The Correspondent of the Baltimore *Sun*, writing on the same day, said:³¹⁰

³⁰⁹ Writing Jan. 5, in issue of Jan. 6, 1854. The italics are mine. See also Washington correspondent of the New York *Herald*, in issue of Jan. 2, 1854.

³¹⁰ In issue of Jan. 6, 1854. The italics are mine.

"Senator Douglas is entitled to the thanks of the country for the discreet manner in which he has solved the embarrassing questions attending the organization of the Territory of Nebraska. If my information is correct *the bill is assented to by Mr. Atchison* who was pledged before the people of Missouri to resign his seat rather than agree to the establishment of the Territory with the slavery restriction. Ion."

Clear as it seems in the minds of these Correspondents that the bill of January 4 had a bearing upon the Missouri political situation and the wishes of Senator Atchison, that fact appears still more conclusively in the important communication of the Correspondent of the *Missouri Republican* written two days after the report:³¹¹

"The Nebraska bill from the Senate committee continues to excite a profound sensation. It repeals the Missouri Compromise as to the prohibition of slavery north of latitude 36° 30' by applying one of the clauses of the Compromise acts of 1850. This will occasion a furious debate and will perhaps render the session of 1853-54 as celebrated in the history of the dissension upon slavery as that which was distinguished by the pacification of 1850. . . . The bill will of course pass the Senate. In the House it will encounter a very formidable opposition. However, on surveying the condition of things, seeing that the repeal of the Missouri Compromise, placed by its advocates upon the adherence to that of 1850, and that the Administration is so rigidly pledged to resist all projects of the freesoilers or those who sympathize with freesoilism in even the most remote degree, I cannot doubt that this bill will pass. *It is obviously the plan adopted by the Atchison party to this dispute, because Atchison and Douglas are inseparable friends, and because no definite action has yet been taken in Richardson's committee of the House on the subject.* Richardson is a long tried and ardent personal friend of Douglas and perhaps hates Benton as either that Senator or Atchison. I infer from these relations between the parties that it has been

³¹¹ Writing Jan. 6, in issue of Jan. 13, 1854. The italics are mine.

arranged to let the whole matter be settled in the Senate and that Richardson will report no bill, or at least withhold any that may be formed until the fate of Douglas's bill should be virtually decided. It is well known to be the fact that the project of three Territories, instead of one, was suggested and discussed at Douglas's house, and after a good deal of anxious consideration was given up because certain parties of influence could not be reconciled to the ejection of the southern Indians in the country west of Arkansas."

How this "plan adopted by the Atchisonian party," and embodied in the bill and report of January 4, bore upon the old fight over the senatorial succession in Missouri is easily explained. Benton had come to Washington at the opening of Congress the ardent champion before the people of western Missouri of a territorial government for Nebraska, assuming that slavery would be prohibited in the new Territory. If the Senate should pass the Nebraska territorial bill repealing the Compromise, the matter would at once come before the House of Representatives of which Colonel Benton was then a member, and he would be compelled to face a dilemma. If he supported the Nebraska bill with the repealing clause, he would go counter to his well-known freesoil opinions and sympathies; and in consequence he would lose the support of the rank and file of the slavery restrictionists in the ensuing August elections in Missouri. If, on the other hand, he should oppose the Nebraska bill with the repeal clause, he would go counter to his recent pledges to bring about the immediate establishment of a territorial government in Nebraska, and consequently would be certain to lose the support of the populous

pro-slavery counties in the western part of the State which were most deeply interested in Nebraska Territory. Either course involved the loss of an important political following in his fight for restoration to the Senate. This is brought out in what the Correspondent of the *Missouri Republican* wrote on the tenth of January:³¹²

"Benton's position . . . will be full of difficulty. He has said so much in favor of the immediate settlement of that region that he can hardly justify himself before any Missouri constituency, if he opposes the bill, and yet it repeals the Missouri Compromise, the original Wilmot Proviso. Douglas argues that the Compromise measures are a new constitution adopted by Congress for the people and therefore override all former compromises. How can Mr. Benton escape the dilemma in which Douglas's argument together with Douglas's bill places him? But most of his friends, including the free-soilers in the House and Senate who swear by his coat-tails expect that he will swallow the argument and bill at a dose. I fully believe that he will vote for it [a prediction which proved to be incorrect] and all the rest of the Missouri delegation."

Viewed from the Atchison standpoint, there was grave danger that the mild, ambiguous phraseology of the fourth of January might fail to accomplish Atchison's purpose to place Colonel Benton upon the horns of such a dilemma as would be certain to kill him politically in Missouri. Senator Dixon and doubtless others felt that "the bill did not in terms repeal the restrictive prohibition in regard to slavery embodied in the Missouri Compromise." There was the possibility, in other words, that a politician so resourceful as Benton might support the bill and find a loophole by which to escape from the trap

³¹² In issue of Jan. 18, 1854.

set by his enemies. At least the Editor of the *Missouri Republican* appeared to hold this opinion; for later, this paper stated that "Benton has been playing a two-faced game at Washington. It is admitted at one time that he was in favor of Douglas's Nebraska bill. Hale so understood him and Beecher lamented the weakening which induced him to take this course."³¹³

The language of the repealing clause must therefore be stiffened, stripped of any ambiguity, if it were to accomplish Senator Atchison's purpose. Accordingly the substitute bill of the twenty-third declared in clear and explicit terms the repeal of the Missouri Compromise. There was now no escape for Benton.

" Seeing the Whig delegation from Missouri united in favor of the Nebraska bill and that the Democratic delegation will also vote for it, knowing that he has no longer any chance of a return to the Senate from Missouri he has determined upon playing for a higher stake. He will vote against the Nebraska bill, and speak against it, and for giving up all hope of the senatorial office in Missouri he expects to be rewarded with the freesoil and abolition nomination for President in 1856. . . . The poison which Gardiner administered to himself only a few squares from the capitol where Benton is to make this speech and give his vote against the Nebraska bill, was no more suddenly fatal to his life and reputation, than will be this speech and vote of Benton upon his senatorial prospects in Missouri. All that his worst enemy could ask is that he may so speak and vote."³¹⁴

"Vote against the Nebraska bill and speak against it"³¹⁵ Colonel Benton did, thus doing "all

³¹³ March 14, 1854.

³¹⁴ Editorial in the *Missouri Republican*, March 14, 1854.

³¹⁵ April 25, 1854. *Cong. Globe*, xxviii, Pt. ii, 986; *ibid.*, xxix, 557.

that his worst enemy could ask." The day after his speech in the House against the bill, the Correspondent of the *Missouri Republican* wrote: ³¹⁶

" . . . Yesterday and today may be considered 'field days' in the great war which has broken out between the Administration and Col. Benton. Old Benton opened yesterday from all his batteries using red-hot balls as well as bombs, grape and canister. His guns were as large as that which burst on the *Princeton*. Today the government organ, the Union, replied from *Paixhans* of the largest class, loaded to the muzzle. The air was filled with the noise and smoke of the infuriated combatants. . . . It would have done you good to have seen the happy faces of John P. Hale, and old man Giddings, Mr. Chase, Sumner, Truman Smith, Washburn of Maine, and troops of that class of men literally surrounding him and cheering him on, laughing when he smiled, scowling when he frowned. . . . *All eyes are turned upon the State of Missouri.* Will the Democrats of that State or any considerable number of them desert the Democratic party and the Administration by following Benton in this wild freak? is the universal inquiry. *The general opinion* here is that they will not, but that *Col. Benton will withdraw from the contest for the senatorship* and rely upon the power of the abolitionists and freesoilers at St. Louis to reelect him to the House. The Administration believes that his conduct will be repudiated by its friends in St. Louis, as well as by those of the State now that he has thrown off the mask and openly assumed his position with the freesoilers."

Colonel Benton, however, did not retire from the senatorial contest. But the result of the August legislative elections was such that when the Legislature convened in joint session for the election of a successor to Senator Atchison forty-one unsuccessful ballots were taken; and the Legislature finally adjourned without having elected any one. During the

³¹⁶ Writing April 26, in issue of May 4, 1854. The italics are mine.

greater part of the balloting Colonel Benton stood lowest of the three leading candidates.³¹⁷ This was his last great political battle. His contest for the Governorship in 1856 was a forlorn hope, and shortly after this contest he died.³¹⁸

If further evidence were needed to establish the conclusion that the repeal of the Missouri Compromise in connection with the Kansas-Nebraska bill was the culmination of the bitter struggle between Colonel Benton and Senator Atchison it may be found in a long letter written by Mr. Atchison almost immediately after the passage of the Kansas-Nebraska bill.³¹⁹ The letter was addressed to the peo-

³¹⁷ During the greater part of the balloting Atchison received 56, Doniphan (Whig) 59, and Benton 40.—Switzler's *Missouri*, 277.

³¹⁸ The XIXth General Assembly met on the twenty-ninth of December, 1856, and on the twelfth of January, 1857, elected James S. Green of St. Louis for the short term to succeed Atchison; and Trusten Polk, the Governor-elect, was chosen Senator for the long term ending March 4, 1863.—Switzler's *Missouri*, 283.

³¹⁹ Dated, Washington, June 5, 1854; printed in the *Missouri Republican*, June 21, 1854. Portions of this letter which bear directly upon the Nebraska question and the Repeal will be found in Appendix C, with the omission of those parts dealing with the Pacific railroad issue.

A few days after the Kansas-Nebraska bill had passed Congress, the partisans of Atchison residing in his home county gave public expression to their "unmingled pleasure" at the result. The following resolutions were "enthusiastically adopted by the meeting" of the people of Platte County "irrespective of party" held at Weston on the ninth of June, 1854:

"Resolved, That we hail with unmixed pleasure the passing of the Nebraska-Kansas bill and exult in the fact that an odious restriction has been removed from these Territories, and that each and every citizen is entitled to the same rights of person and property in said Territories that they would be entitled to in any of the States of the United States.

"Resolved, That our thanks are due to all those who so nobly supported the bill; but our especial thanks are due to our fellow-citizen, Hon. David R. Atchison for his energy and untiring zeal in the establishment of the principle that man is capable of self-government, and that

ple of Missouri and was designed for publication as a campaign document. It reviews at great length the subjects of the establishment of a territorial government west of Missouri and of the railroad to the Pacific. Concerning these topics Atchison reviews at length his own and Colonel Benton's views, utterances and public acts. The letter not only reveals the estimate placed upon Benton's public acts by a large portion of the people of Missouri and the majority of the members of Congress, but also something of the man Atchison.

In this letter Senator Atchison says distinctly that the Kansas-Nebraska bill was "*a western measure . . . designed to add to the power and wealth of the West.*" The issue which Colonel Benton had raised in Missouri over Nebraska, namely, that "the law of organization should be so framed, and *ought to be so framed*, that all of his slaveholding constituents would be excluded from the Territories," and that Congress had the constitutional power to enact a law so framed and "*ought to exercise it*," Atchison accepted: "I accepted that issue," he writes, "and so did the Democrats of Missouri. *The battle has been fought in Congress over the Douglas bill and*

while we recognize him as a master spirit from our own State in procuring the passage of the Nebraska-Kansas bill, we freely award to Senator Geyer, and Messrs. Lamb, Phelps, Mills, Caruthers, Oliver and Lindley the meed of praise for their firmness in maintaining the true principle of self-government.

"Resolved, That we reprobate the conduct of the only one of our Representatives [Benton] who was willing to sacrifice not only the interests of Missouri but also all his earlier principles for the sake of obtaining the favor of those free-soil abolition fanatics who have distracted Congress for the past thirty years." — *Missouri Republican*, June 22, 1854.

the Democracy has won a proud victory. *The lines were thus drawn on the national theater as they had previously been drawn by Benton in our State.* My position on this subject was well-known in Washington, and the issue that Benton made upon it, I never shrank from." Referring to his pledges at Weston, Parkville, and other places to work for the repeal of the Missouri Compromise, Senator Atchison went on to say: "I trust, Fellow-citizens, that I have redeemed this pledge to the letter." And, finally, he emphasized the harmony existing between the resolution of the Missouri Legislature, in 1845, approving the principle of popular sovereignty for the settlement of the question of slavery in the Territories; his own preferences on the subject as expressed publicly by him during the campaign of 1853; and the method prescribed for the settlement of the slavery question by the Kansas-Nebraska bill. "Thus did Missouri announce the same great doctrines for which I contended and on which the Douglas bill was framed and *against* which Benton joined issue with me, with the Legislature, and with the Democracy of Missouri, with Congress and with the Administration."

The attempted solution of the problem respecting the origin of the repeal of the Missouri Compromise might be left at this point with the plain inference that the Repeal arose from conditions peculiar to the West, were it not for the fact that the question of secondary importance mentioned in the introductory pages remains undisposed of. To be sure, the evidence points strongly to David R. Atchison

as the real originator of the Repeal rather than to Stephen A. Douglas. But upon this question, the evidence has been almost wholly circumstantial or inferential. None has been presented which explicitly asserts that Senator Atchison was the real author of the Repeal. Such a claim is not made even in the letter which has just been summarized. Furthermore, Mr. Atchison's subsequent claims to authorship, have, as has been stated, been seriously impeached by historians and apparently denied by Senator Douglas. It remains to be seen if there is any other direct evidence tending to support Atchison's claims.

Only one statement, it would seem, has been published with the direct and sole purpose of assigning to a single individual other than Mr. Douglas the credit or discredit of having originated the Repeal. In the year 1880 an article appeared in the *National Quarterly Review* for July with the caption, "What Led to the War, or the Secret History of the Kansas-Nebraska Bill." Later, the article appeared in pamphlet form. The author was Colonel John A. Parker of Virginia, a person of high social and political standing, who, during the pendency of the bill in Congress, occupied a position giving him peculiar opportunities to know the inside history of the Kansas-Nebraska bill.³²⁰ It is the emphatic testimony of Colonel Parker that "the primary object . . . which induced the initiation of the measure to repeal the Missouri Compromise was to secure the reelec-

³²⁰ This pamphlet and the credibility of its author are fully discussed in Appendix D.

tion of Mr. Atchison to the Senate. The means to be employed was the repeal of the Missouri Compromise in order that the people of Missouri might carry their slaves to Kansas and there raise hemp. *The author of the Kansas-Nebraska bill was not Mr. Douglas but Mr. Atchison. . . .* The originators of the plan fixed upon were *Mr. Atchison and three other able and distinguished Southern Senators*, men of great influence in the whole country, and especially influential in the South."

Nowhere is it stated in Colonel Parker's article who the "three other able and distinguished Southern Senators" were, who coöperated with Mr. Atchison in the Repeal. The mystery was cleared up, however, by the discovery of portions of a speech and a letter of Hon. Francis P. Blair, Jr., of Missouri. The speech was delivered in Missouri in 1854 a short time after the enactment of the Kansas-Nebraska bill.³²¹ The following passage not only corroborates Colonel Parker's statement but actually names the three coworkers with Atchison.

"Mr. Douglas has the credit of having originated this scheme of breaking compacts, fraught with such fatal tendencies. He does not deserve this precedence. It will be remembered that at the last session of Congress, Mr. Atchison broached the idea of dissolving the Missouri Compromise, in connection with the then pending Nebraska bill. Mr. Calhoun's Southern unit contrived to get Mr. Atchison made President *pro tem.* of the Senate. From that hour he became the tool of the Nullifiers, and when Mr. Calhoun died, he left his swaggering and sometimes staggering President *pro tem.* to the care of Messrs. Mason, Hunter and

³²¹ I have been unable to ascertain the exact time and place of the delivery of this speech. It is given in *Rev. Pol. Action*, 105 ff.

Butler, who were his factotums at the close of his life, and may be considered the executors of his estate of Nullification.

"The first, (Mr. Mason of Virginia) you all remember, was called upon by Mr. Calhoun to be his mouthpiece, and read the last drivellings of his doctrines of disunion, while he sat by, the glare of phrensy in his eyes, unable to stand or speak, evincing 'the ruling passion strong in death' which was to ruin what he was not permitted to control. He was the fanatic and martyr of ambition. Peace to his spirit! May it have better repose than he has left to his country! The next man in the trio in the confidence of Mr. Calhoun was Mr. Hunter of Virginia. He was withdrawn from his party, like Mr. Atchison, by the tactics of Mr. Calhoun, who had him elected to the Speakership of the House of Representatives, soon after entering it, by a coalition of the Whigs and Nullifiers, Mr. Calhoun putting him forward in preference to his devoted friends, Dixon H. Lewis and Mr. Pickens of South Carolina, either of whom was more acceptable to the Democracy of the House; but Mr. Calhoun gloried in putting down the will of the majority of the Democracy in the person of Mr. Hunter, and it is but justice to the latter to say that he followed his patron, rather than his party, during his life, and that his spirit of hostility to the compacts which bind the Union together survives in him.³²² The third man of the junto to whom Mr. Atchison was committed is Mr. Butler, of South Carolina, Mr. Calhoun's successor, who bears in his look the fiery temper of the furious Nullifier, but has certainly, with more heat, less of the dangerous factious feeling which lies at the bottom of the designs of his colder, calculating companions.

"Mr. Atchison has ever since, and I believe before the death of Mr. Calhoun, been decidedly domiciled with these men; they have one household,³²³ I am told, and make a little knot and

³²² Immediately upon reading this reference to Senator Hunter, I wrote to his daughter, Miss Martha T. Hunter, inquiring if there were any papers or correspondence of Senator Hunter bearing upon his connection with the Repeal; but no further evidence was obtained.

³²³ An examination of the *Congressional Directory* discloses the fact that as early as the first session of the 30th Congress, Senators Butler,

lump of leaven, that works up the whole batch that belongs to the Southern institution, when occasion requires. This is the brotherhood which brought the Southern delegation to unite in a mass, many most unwillingly, to give adhesion to the plot to make the united vote of the South the reward for that treachery among the Northern aspirants which would sacrifice the solemn compact that had guaranteed the peace of the country in fixing the limit of that threatening subject of discord, which could only be safe itself, or exist with safety to the country, by having agreed boundaries and conditions assigned in compromises, in concessions on the part of both sections of the nation it provoked to strife. This dangerous measure has from first to last been managed by the nullifiers, with all the adroitness taught in the school of their Machiavel. The bill originating with Atchison and the club of Nullifiers who chamber with him, has been at every stage in the hands of the Southern Senators, by means of a caucus or nightly convention held by them with Northern Doughfaces brought over by the lust of plunder and the temptation of getting the vote of the South as a unit in the next Presidential convention.”³²⁴

Mason and Hunter occupied quarters at the same house in Washington. They continued to be domiciled together until after the Repeal in 1854, and while that measure was before Congress, Senator Atchison was domiciled with them.

³²⁴ In a letter to the *Missouri Democrat*, dated March 1, 1856, Mr. Blair again alludes to the origin of the Repeal: “It is true beyond all doubt or denial, that the very men to whose influence and exertions the passage of the Nebraska bill is due, have already practically repudiated it and trampled it under foot. . . . Mr. Atchison *who really originated the law*, has several times invaded the Territory in person, and by brutal violence trampled upon the law and robbed the actual settlers of their rights under it. His accomplices in the scheme to pass the bill have been his accomplices in its violation, for they have become his apologists from one end of the country to the other. . . . It is well-known that the flagitious act by which the Compromise was repealed was dictated by a squad of Nullifiers (*Atchison, Mason, Hunter & Co.*) to the Doughface Presidential aspirants from the North; that when Atchison, as he himself boasted, gave ‘Douglas twenty-four hours to bring in the bill,’ and the other Doughfaces had been won to the scheme by similar persuasives operating upon their anxiety for Presidential honors, of which being un-

*“Gentlemen, you make a d—d fuss about Douglas, but Douglas don’t deserve the credit of this Nebraska bill. I told Douglas to introduce it. I originated it. I got Pierce committed to it, and all the glory belongs to me.”*³²⁵ No longer can this be dismissed as the empty boast, the loquacious froth, of a man in liquor. The testimony of Colonel Parker and Mr. Blair taken with all the preceding evidence would seem to settle definitively the question as to the real authorship of the Repeal.

The preceding pages have been written in vain if they do not justify the conclusion that the repeal of the Missouri Compromise in 1854 had its real origin in western conditions and particularly in the peculiar political conditions existing in the State of Missouri; and that the real originator of the Repeal was David R. Atchison.

Apart from its interest as an episode of importance in the slavery controversy, the story of the genesis of the repeal of the Missouri Compromise has a much wider significance. The narrative of the way in which the struggle between two Missouri politicians

worthy, they could only hope to gain by truckling and subserviency, the adhesion of these men, thus gained, was based upon the Southern members of Congress, to obtain their assent to the overthrow of the Compromise. It is believed that a majority of the Southern men were opposed to the measure, and were coerced into it by the fear that they would not be sustained if they refused an advantage offered to them by the North. Thus the treachery of Northern men to their own constituents was made to work upon the honorable scruples of the Southern men, in order to accomplish an act which no respectable portion of any section desired should be done.” *Rev. Pol. Action*, 76.

³²⁵ Quoted from the account of Atchison’s speech at Atchison, Kansas Territory, Sept. 20, 1854, as given in the *New York Tribune*, June 4, 1855; see Appendix E.

for the senatorial succession was transferred to the Congressional arena and there became transformed from a local question into one of the gravest national importance, is a signal instance of what has happened in the history of American politics more often perhaps than is generally realized. It establishes the essential importance of a careful study of State politics in order to arrive at a satisfactory solution of not a few problems in national politics. It is a concrete illustration of the "significance of the frontier" in American political history.

Appendix

APPENDIX A

A New Explanation of Senator Douglas's Motives

Messrs. J. Amos Barrett and A. E. Sheldon of the Nebraska Historical Society are the authors of perhaps the most recent and novel explanation of Senator Douglas's purposes and motives in championing the repeal of the Missouri Compromise. On account of its plausibility, this explanation deserves some consideration here.³²⁶

It is now claimed that the defeat of the bill for the organization of Nebraska Territory in March, 1853, in the closing days of the 32d Congress, was due to the rivalry between Chicago and St. Louis, on the one hand, and New Orleans and Texas, on the other, over the route for the proposed railroad to the Pacific coast. Referring to the Kansas-Nebraska bill in the 33d Congress, these writers inquire,

"What was Douglas's motive in proposing . . . to make Nebraska a cock-pit where slavery and freedom should fight it out? . . . For ten years [?] he had been trying to open up this country lying straight in the path of commerce and emigration from his own State; for five years he had seen Pacific railroad projects blocked by commercial rivals, south and east. He had seen those interests strong enough to kill his bill the spring before even when strongly supported by the slave State of Missouri. He knew that a hasty treaty with Mexico was being pushed to prepare the way for a Pacific railroad that would build up the rivals

³²⁶ This appeared in the *Omaha (Nebr.) Bee*, June 5, 1904.

of both Chicago and St. Louis. No one knew better than he that commerce and migration to the Pacific would follow the route of the first railroad. No one was closer than he to the railroad and commercial interests of Illinois. He had secured the first United States railroad land grant for the Illinois Central. The Rock Island, first of all Illinois roads, had just reached the Mississippi. Railroads would soon be built across Iowa. The natural route to the Pacific was across Nebraska prairies. If opened to white settlement it was certain the rush of population would carry the road on its shoulders and with it the trade not only of the west, but of the world to Chicago. The price to pay was to satisfy the slave sentimentalists of the south, to offer them, *prima facie*, an equal opportunity with the north in settling the new territory, knowing as Douglas knew that the superior energy and push of the free state migration would win in Nebraska as it already had in Oregon and California. Such an offer would cut the ground from beneath the feet of the New Orleans-Texas-Mississippi opponents of the bill. They could no longer unite the south against the measure on the score of pretended sympathy for the Indian.”³²⁷

In support of this claim the refusal of the Senate on March 3, 1853, to take up the consideration of the bill by a vote of 23 to 17, is cited.

“It is this vote analysed which proves the real nature of the opposition to the Nebraska bill — the combination of commercial rivals with slave jealousy which is determined to prevent a Pacific railroad up the Platte valley. Eighteen out of the twenty-three votes to lay on the table make the solid south — both whig and democrat — against Douglas’s bill; the other five are from the commercial States of the northeast. Every one of the seventeen votes for the bill is from the north and northwest except the two votes from Missouri. . . . This is a fight between Chicago and St. Louis on the one hand, looking forward to the opening of the Platte valley Pacific railroad; New Orleans and Texas, on the other, trying to block the northern route until they can push one

³²⁷ No indication is given of the evidence or the authorities upon which this interpretation is based.

through on southern parallels; and New York City helping the southerners in order to maintain her own hold on the California trade by sea and the isthmus of Panama. . . . Before another Nebraska bill could be debated in Congress the southern interest had rushed the Gadsden treaty from Mexico to Washington, paying \$10,000,000 for a strip of desert in Arizona and New Mexico, whose only use was to open a better route for a southern Pacific railroad."

In the foregoing analysis of the vote in the Senate, no account is taken of the fact that twenty-two Senators did not vote — a number sufficient to seriously weaken the conclusion just quoted. Furthermore, Messrs. Barrett and Sheldon fail to take into account the vote in the House which fails to support their main contention. The only ostensible objections to the bill were based upon considerations growing out of treaty rights of Indians in the proposed Territory.

This bill passed the House by a vote of ninety-eight to forty-three. An analysis of this vote discloses the fact that eighty-eight members, almost forty per cent, were absent or did not vote: of these, forty-two were from slave, and forty-six from free, States. Of the ninety-eight votes cast *in favor* of the bill, eighty came from free States, and eighteen, or almost one-fifth, came from slave States. Of those who voted *against* the bill, thirty, or two-thirds, came from slave, and thirteen from free, States. This analysis affords no evidence that the vote of the House was determined by considerations based upon any probable effect which the organization of Nebraska Territory might have in determining the location of the route

of the proposed Pacific railroad. Indeed, the analysis furnishes evidence against this conclusion: Louisiana, one of the two States most directly interested in the extreme southerly route, contributed two of the votes for the bill, and *none against it*; Texas, the other State most interested in this route, cast *but one vote against* the bill; two representatives from Louisiana, and one from Texas, did not vote. Only half of the New York delegation voted at all, and instead of going solidly against the bill, along with the friends of the southerly route, *two-thirds of them voted for the bill*. The following table shows the distribution of votes in the House:³²⁸

	YEAS	NAYS	NOT VOTING
Alabama .	.	1	4 2
Arkansas .	.	—	— 1
California .	.	—	— 2
Connecticut .	.	3	— 1
Delaware .	.	—	— 1
Florida .	.	—	— 1
Georgia .	.	—	2 6
Illinois .	.	6	— 1
Indiana .	.	6	1 3
Iowa .	.	1	1 —
Kentucky .	.	3	— 7
Louisiana .	.	2	— 2
Maine .	.	4	1 2
Maryland .	.	1	3 2
Massachusetts .	.	6	— 2
Michigan .	.	2	— 1
Mississippi .	.	—	1 3
Missouri .	.	4	— 1
New Hampshire .	.	2	— 2
New Jersey .	.	3	1 1

³²⁸ *House Journal*, 2d Sess., 32d Cong., 272-273.

New York .	.	.	11	6	17
North Carolina	.	.	1	6	2
Ohio .	.	.	17	—	4
Pennsylvania	.	.	16	2	7
Rhode Island	.	.	—	—	1
South Carolina	.	.	—	5	2
Tennessee .	.	.	3	1	7
Texas .	.	.	—	1	1
Vermont .	.	.	—	1	2
Virginia .	.	.	3	7	4
Wisconsin .	.	.	3	—	—
			—	—	—
Totals	.	.	98	43	88

There is but one remark in the debate in the House over the Nebraska bill in 1853 which tends to sustain the theory of Messrs. Barrett and Sheldon. Mr. Hall of Missouri said:

“I trust, at any rate, that the gentleman’s [Howard of Texas] influence may be as potential in Texas in urging a law to secure to the Indians their rights, as I fear it has been in this House to array an interest against the organization of Nebraska Territory, and the protection of our people who go to Oregon and California every year.

“But I wish to suggest to the gentleman from Texas whether he may not have been influenced to some degree, unconsciously, to oppose this bill from considerations of this kind? If the gentleman can convince this House and the country that the Territory of Nebraska shall not be organized, either at this session or any future session of Congress; if the people of Texas can prevail upon the Government of the United States to drive the Indians of Texas, the Comanches, and other wild tribes, into the Territory of Nebraska, it may have the effect of rendering your overland routes from Missouri and Iowa to Oregon and California so dangerous that the tide of emigration will have to pass through Texas — an object which Texas has most zealously sought to accomplish for many years past.

“In addition to that, if in the course of time a great railroad

should be found necessary from this part of the continent to the shores of the Pacific, and the doctrine prevail that all the territory west of Missouri is to be a wilderness from this day henceforth and forever, Texas being settled, the people of this country will have no alternative but to make the Pacific road terminate at Galveston or some other point in Texas. . . .”³²⁹

All in all, the foundation of this new explanation of Mr. Douglas's purposes, based, as it is, upon the analysis of the vote in the Senate, is too weak to sustain the superstructure erected upon it. Moreover, as relating more particularly to Senator Douglas's motives, it is difficult to accept this as the true explanation. The real or fancied interests of constituents have been, and probably always will be, one of the most potent factors in determining the public acts of American politicians. If Mr. Douglas himself had felt that the repeal of the Missouri Compromise and the organization of Nebraska Territory and the commercial interests of the people of Illinois were vitally related, he would have championed the Repeal regardless of any effect it might have upon his prospects as a national leader. That being true, it is highly probable that he would have publicly avowed that ground when hard pressed, as he afterwards was, to defend his course in connection with the Repeal. Nothing, however, has been discovered in Mr. Douglas's speeches before the people of Illinois in defense of his course which indicates that the possible route of the Pacific railroad was a determining factor.

³²⁹ *Cong. Globe*, xxvi, 558.

APPENDIX B

William C. Price

The name of Judge William C. Price of Missouri has not, so far as the author has discovered, been associated by previous writers with the repeal of the Missouri Compromise. That he played a part of considerable importance in creating a strong sentiment in western Missouri favorable to an early repeal of the Compromise seems highly probable in view of the facts furnished me by Mr. William E. Connelley. This actor did not appear upon so conspicuous a stage nor did he have the same personal motives for desiring the Repeal that inspired Senator Atchison. Nevertheless he was mighty in the councils of his party and had much to do with preparing the way for the Repeal in connection with the Kansas-Nebraska bill.

There is a very brief biographical sketch of Judge Price in Mr. Connelley's *The Provisional Government of Nebraska*. From this sketch and from a typewritten statement specially prepared by Mr. Connelley for the author the facts here presented are drawn.

Born in Tazewell County, Virginia, about 1812, William Cecil Price was a direct descendant of Lord Baltimore who settled Maryland, and a cousin of the Confederate General, Sterling Price, who was

Governor of Missouri from 1853 to 1857. In 1828 the parents of Price removed to Green County in the southwestern part of Missouri, and were among the first settlers in that section.

Price proved to be an able lawyer. He rapidly became prominent in the politics of Missouri and continued to occupy a conspicuous place in the counsels of the Democratic party until the Civil War. In the decade just preceding the war Judge Price was a recognized leader of the extreme and radical element, the "fire-eaters," of the Southern Democracy, especially in the State of Missouri. Among the positions of honor and trust to which he was elected were Judge of Probate, Circuit Judge, District Attorney, Representative in the State Legislature, and State Senator. He also filled the office of Treasurer of the United States under President Buchanan.

Physically, Judge Price was a man fully six feet in height, spare, and of remarkably firm step and erect carriage until he had passed the age of sixty. He had black hair, only slightly streaked with gray at the age of seventy-five; clear eyes, "dark as steel, blue, as penetrating as daggers. His face was classic in outline and feature. He had the small foot and hand of the Southern gentleman. His presence was commanding, his manner imperious."³³⁰

Intellectually, Price was a man of far more than average ability along some lines: in others his vision of events was narrow. "He was an ideal leader—a sanguine enthusiast. He had great command of lan-

³³⁰ A wood-cut engraving of Judge Price is to be found in Connelley's *Prov. Gov.*, 33.

guage, and was a plausible speaker, but not logical. His force consisted in the earnestness of his advocacy and the tenacity with which he held to a cause after he deemed it to embody his duty."

Judge Price was a man of great courage, moral and physical.³³¹ He was a man too of an intensely religious nature, and exceedingly familiar with the Scriptures. He was a Methodist, and after the division of the Church, he adhered to the "Church South." He was a thorough believer in the righteousness of slavery, and even after the war, contended that slavery was a blessing to the negro.

His devotion to the Southern cause bordered upon fanaticism. He believed with all his soul that the cause was right, and for a man of his temperament no sacrifice was too great to make in its interest. He was an ardent advocate of Secession, and when the time came, he joined the Confederate army. He was taken prisoner at Wilson's Creek, and confined in the military prison at Alton, Ill.³³²

Judge Price has been dead for some years, dying in Chicago in extreme poverty. He has one son living, a lawyer, residing in Forsyth, Taney County, Missouri.³³³

³³¹ Mr. Connelley says: "He was a dead shot with the old fashioned rifle. He was sometimes challenged to fight duels and always selected that weapon. His known ability to shoot well and the decadence of that arm and inability of others to use it, caused an accommodation of all the affairs. Upon receipt of a challenge he would say, 'rifles at sixty yards, and I am ready any minute.'"

³³² "He had a keen sense of humor. A friend once introduced him to a stranger, and remarked, 'Judge Price was in the United States Treasury under President Buchanan.' 'Yes,' said the Judge, 'and in the penitentiary under President Lincoln.'" — Connelley's *Prov. Gov.*, 28 n.

³³³ Benjamin F. Price, Mr. Connelley says, has no papers belonging

The information which Mr. Connelley has been so kind as to furnish me was derived from a personal acquaintance with Judge Price and from personal interviews. Mr. Connelley resided in Springfield, Missouri, the home of Judge Price, from 1888 to 1892, and was engaged in the business of loaning money for eastern people. Judge Price and Mr. Connelley became very intimate friends. Having been one of the first settlers in that part of Missouri, Judge Price was able to furnish Mr. Connelley with much valuable information "concerning land titles, kinship, heirs, what became of certain people, etc., etc.," for which the Judge always received a fee. He supposed himself to be still in the practice of his profession, but only a few old people employed him. Much of his time was spent in the large and commodious office of Mr. Connelley.³³⁴

Judge Price had then outlived his generation, but continued to "live in the days of his power and talked of little else." Mr. Connelley apparently was the only man in that period of Judge Price's life who appreciated the information about Missouri politics which Judge Price could give, and Mr. Connelley entreated him to endeavor to reduce his statements to writing, but this seems to have been prevented by his physical infirmities.³³⁵

to his father which would throw more light upon his connection with the Repeal.

³³⁴ Mr. Connelley's first wife was a relative of Judge Price.

³³⁵ "And his mind was just beginning to fail him," Mr. Connelley adds. "He was fanatical on religious subjects; this was the evidence I believed of the beginning of the weakening of his mental faculties. In 1894 I saw him for the last time, and he was feeble in mind and body."

Mr. Connelley also says that

"Mordecai Oliver, once member of Congress from Missouri, and member of the Committee to investigate the troubles in Kansas,³³⁶ was also a resident of Springfield at the time I lived there. Judge Price despised him, but I sometimes induced them to discuss old times in my presence, as I knew them both well and esteemed them both. Oliver was then Judge of the Criminal Court. He had been a Whig, but was for slavery. On the subject of the Missouri Repeal they agreed as to facts, though Oliver at heart opposed the idea."³³⁷

The part which Judge Price played in the repeal of the Missouri Compromise will now be given in Mr. Connelley's own words.

"Judge Price always maintained that the idea of the Repeal originated with him. He claimed that he pressed this idea on the South, saying that Missouri could not remain slave with Iowa free on the north, Illinois free on the east, and a free State on the west. In short, Missouri had to accomplish that Repeal or become a free State. That was what Judge Price preached for twenty years before the war. And the South allowed Missouri to have her way.

"The Repeal was discussed in a gathering of extreme Democrats in New Orleans as early as 1850. Judge Price attended this gathering, as he has often told me. I have the names of others in attendance, but my papers are so much in disorder that I have been unable to find the memorandum. I remember that Jefferson Davis was at that meeting; Judge Price often related to me the feeling speech he made there. I remember that J. P. Benjamin and Toombs were there. And a Mr. Smith,³³⁸ I think a minister of the Gospel, either then or afterwards a Member of Congress

³³⁶ Mr. Oliver presented the Minority Report.—*House Reports*, 1st Sess., 34th Congress, ii, no. 200, 68 ff (1856).

³³⁷ Oliver was a member of the House when the Kansas-Nebraska bill was passed, and spoke and voted for the bill.—*Cong. Globe*, xxviii, Pt. ii, 1209; *ibid.*, xxxi, 726.

³³⁸ Probably Rev. William Smith, a Democratic Representative in the 33d Congress, and a supporter of the Kansas-Nebraska bill.

from Virginia, was there. . . . Without my papers I would not say that this meeting was in 1850, but I am sure it was as early as that. . . .

"The idea, the intention, of the Repeal had been discussed secretly in every gathering of pro-slavery men in Missouri for ten years. Benton repudiated the idea in Springfield, Mo., in 1844, so Judge Price informed me. And from that day the radical slave faction of the Missouri Democracy fought him to the death. Judge Price and other radical Southern leaders saw at that time that a conflict was inevitable; they were secessionists *per se*. Judge Price was the man selected to lead the fight in Missouri for the use of a part of the Indian country which was north of the old Compromise line for Slavery. In this capacity he made known to Benton the conclusion of the radical slave faction. Price and Benton had been warm friends to this time. They never spoke afterwards. Price registered a vow to drive Benton from public life and accomplished it. . . . In presence of a large company gathered in a store on St. Louis street, in Springfield, Mo., he vowed he would fight Benton to the death. To make it more open and public he wrote his determination on the walls of the store, where it remained until the building was torn down after the Civil War. So said Judge Price to me many times.

"Judge Price was the head of the pro-slavery extremists of the South. He was in close and constant communication with Jefferson Davis, Robert Toombs, John C. Calhoun, John C. Breckenridge, Judah P. Benjamin, and other Southern leaders, for many years prior to the Civil War. These men looked to him to inaugurate and carry out the measures in Missouri supposed to be for the benefit of the aggressive policy of the extremists of the slave power. No better selection was ever made. He believed in the righteousness of slavery. And when enlisted in a cause he knew no such word as fail. He would not sacrifice the thousandth part of the most insignificant principle for any advantage which might be offered him. Compromise was repugnant to him. He would always drive straight ahead to the end in the way marked out, let the consequences be what they might.

"The aggressive leaders of the slave power became dissatisfied

with the course of Senator Benton of Missouri. They marked him for defeat. While Benton had spent the greater part of his active life in Washington and away from the people of Missouri, he was still, in 1844, supreme in Missouri. While it is true that a new generation had sprung up in Missouri who knew not Benton,³³⁹ it is also true that the older generation stood by Benton, and by their aid he dictated the political policy of the State. It was supposed to be political death for any man to even whisper a breath against 'Old Bullion,' the idol of Missouri. . . .

"Judge Price was never a rash man. He had a cool head and a pulse even and regular under every trial. He knew what his declaration meant. Benton was a born leader, and in manner much like Judge Price. He was intolerant, often dictatorial and unjust. The declaration of hostilities by Price was accepted by Benton and the political battle royal of Missouri politics began, and the first in the fight for the Repeal, though the issue was veiled. Neither side urged the real issue between them. Price hoped that with the defeat of Benton events would naturally shape themselves as the Southern leaders desired. Benton hoped that with his victory extreme agitation by the Southern leaders would disappear. So this fight was not made on the issues really the cause of it, Judge Price often said.

"Price was away from home for months at a time for the six years following 1844. There were no railroads in Missouri and travel was by horseback. He visited every part of the State time and again. He selected Judge Geyer of St. Louis as the man to defeat Benton.³⁴⁰ When Benton returned to Missouri in 1850 he found himself actually beaten and turned down. The first battle of the aggressive and rabid extremists of the slave power was thus fought out in Missouri and was a victory for them.

"I asked Judge Price concerning the opening of Kansas to settlement. He said:

³³⁹ Compare with Rogers's *Benton*, 275 ff.

³⁴⁰ Judge Geyer was a Whig. He voted for the Kansas-Nebraska bill. Mr. Connelley states that Judge Price claimed also to have selected Claiborne F. Jackson for the Governorship in 1860. It will be recollected that Jackson, when Governor, used every means in his power to carry Missouri out of the Union.

"We were opposed to the opening of any part of the territory of Old Missouri Territory to settlement, and for many reasons. It had been set aside as the Indian Country. The Government had removed the Eastern Indian tribes to that country and covenanted with them that they should never be molested in their new home. And this was done with a purpose, for if slavery could not go there we wanted no one there except the Indians. And there was no necessity for such settlement; millions of acres of better land were open to settlement in Missouri, Arkansas, Louisiana, Mississippi, Alabama, and Texas.

"To establish Territories in that country would, we knew, bring up the subject of slavery, and its admission or exclusion. We were excluded by the Compromise, but Southern men hoped in some way to bring about the repeal of that measure in some peaceful manner. Their most cherished hope for many years was to look upon the old manner of retaining the influence of Slave-State and Free-State at a balance in the Union by the admission of one slave State and one free State when the time for the admission of any part of that domain was demanded by the economic conditions of the country. In the meantime we hoped to make four States of Texas, and to have slavery established in the country obtained from Spain and Mexico.

"Many things transpired which we could not foresee. The discovery of gold in California was one of these. Then, as I said, it was necessary to defeat Benton in Missouri. The effects of this defeat were bad. He was ambitious, though old. He should, according to our calculations, have retired when he was defeated. But he immediately espoused the cause of Nebraska Territory. There were two causes for this. He knew we were opposed to it and he knew that the slave power was not prepared to enter upon a struggle for its very existence. He wished to precipitate things. And, he saw he could never regain his seat in the Senate from Missouri. He had become interested in Fremont's explorations of the West.

"Benton was a man of ability and wonderful foresight. He predicted that a great city would one day be built at the mouth of the Kansas River. He intended to move there and live in the

new Territory and eventually be one of its first United States Senators when it was admitted as a State, as he had been one of the first of Missouri's Senators. At my suggestion Atchison accused him of this intention, and denounced him for it in a speech, delivered I think in Liberty.

" 'One of the things which proved bad for us was the removal of the Wyandotts to the mouth of the Kansas River. It was not the intention that they should settle there. They were to have a large tract of land in Southern Kansas (what is now Southern Kansas). No one supposed they would buy land of another tribe; such a thing had not been thought of. When they bought land of the Delawares and obtained control of the mouth of the Kansas River we were fearful that it was not for our best interest; there were too many white men in the tribe. Then the tribe came recently from Ohio where there was much opposition to slavery, and where existed the most successful underground railroad for conveying slaves to Canada. Then again, this tribe had but just settled at the mouth of the Kansas River when the division of the Methodist Church into Northern and Southern parts caused almost a war between the factions of the tribe. The portion of the tribe which wished to remain with the Old Church cried out against slavery, and the question was kept in constant agitation where we most desired nothing said. When it was supposed that Nebraska Territory would be organized we were often solicited by the faction in favor of the Church, South, to take a hand, but we were averse to doing that and hoped the question would quiet down. However, it did not do so. Benton, Blair, Brown, even Phelps,³⁴¹ encouraged its agitation. The moving spirits in the cause of the Church, North, and in condemning slavery, were J. M. Armstrong and Abelard Guthrie.³⁴² Guthrie remained in Washington much of the time, as we believed then, at Benton's expense. At any rate, it was known that he and Benton were much together; we had no doubt they acted in concert.' "³⁴³

³⁴¹ F. P. Blair, Jr., B. Gratz Brown, J. S. Phelps. The last was a Democratic Representative from Missouri in the 33d Congress.

³⁴² For a sketch of Guthrie, see Connelley's *Prov. Gov.*, 101.

³⁴³ Mr. Connelley concludes his statement and report of the conversa-

tion related above, with the statement that "the foregoing was hurriedly written by me after the conversation with Judge Price, and I may have misunderstood some things or may have put some things in a light he did not intend. I was very busy in those days and intended to go over all these matters in a more leisurely way, but the time never came when I could.

"I do not doubt the statements of Judge Price. I am sure they were truthful, for he was a man of truth. Though, in long years he may have fallen into some error unconsciously about even the part he played himself in those times. It was my intention to try his statements by all the contemporary evidence I could secure both for and against him. And I give you what he told me, so far as I have been able to find it among my papers, and advise you to do as I had intended. If it stands, all right; if not all right. . . . I believe the Repeal originated with him and that he should have credit for it."

APPENDIX C

Senator Atchison's Letter, June 5, 1854

"In the month of May last year [1853] Col. Benton made speeches at Kansas, Westport and Independence in which he mounted ostensibly two hobbies: the central railroad to the Pacific and the organization of the territory west of the Missouri and Iowa. Those speeches were intended to create a false impression upon the public mind, not to accomplish the objects which he professed to desire; they were planned and delivered for one object and that object was to stir up a 'pestiferous agitation' by which his ambitious designs might be promoted. Prompted by hatred against all who have refused to abandon their political faith to further his schemes and look to the support of the old federal and abolition cohorts of the North, *it was he who first sounded the tocsin of war against the slaveholding States of which Missouri is one in connection with the Pacific railroad and the organization of Nebraska and Kansas.*³⁴⁴ It was from him that the first appeal went forth to the freesoil and abolition fanatics to resist each and every effort to open our territory west on constitutional grounds to settlement by the citizens of all the States of the Union.

"To deceive the unsuspecting in Missouri he made a great clamor at the same time about the central route and raised a false alarm against the South. As if this was not sufficient he declared that portions of that territory were open to *immediate* settlement and urged the pioneers to rush into it. Why, if he was a sincere friend of Nebraska and the central route did he seek thus unnecessarily to embarrass those questions and mislead the people of Missouri and the Union? You will remember that he pursued his sinister designs in various letters during the following summer

³⁴⁴ The italics are mine.

and even caused a map to be prepared and distributed, the bad character of which was fully exposed at that time.

"All of this I understood (at the time) and exposed and what was then only conjecture is now realized. It was not the organization of the territories and the central route for which he cared; it was Col. Benton's advance by Free Soil aid for which he was striving. Those questions were a mere pretext with him, a cover under which the better to work his way insidiously to the goal of his ambition. Hence in those speeches he said:

"'To defeat me (Benton) is one of their modes of defeating the road. . . . The point at which they can do us no harm is in the organization of the territories on the Kansas and the Platte. Two things are needed there: first, the establishment of the territorial government; and the next, the extinguishment of Indian titles. Both are points of difficulty and peculiarly subject to dangers from insidious opposition. The Indian treaties, even when negotiated, will have a perilous course to run through the Senate (where the proceedings are secret) and where a minority of one-third could defeat them and where the pestiferous question of free soil will mix itself with the decision. Near thirty years ago the United States made a general extinction of Indian titles west of Missouri to be assigned in parcels to emigrating tribes. Part has been assigned, part not; and this unassigned part I hold to be open to settlement without objection from the Indians.'

"'The danger from insidious opposition' and whence it was to come those speeches showed. They artfully and purposely created the danger by awakening and inviting that pestiferous Free Soil opposition; and by seeking at once without waiting for constitutional action to involve the settlers and the settlement of the country in the inextricable difficulties which would furnish another pretext for fanning the pestiferous flame thus sought to be kindled; subsequent events have demonstrated Benton's object. He has since become the recognized champion of that very Free Soil faction in opposition to the constitutional and republican mode of settling those territories. He has led the very 'pestiferous' host which he pretended to fear. He has become the *commander* of the 'pestiferous Free Soil' opposition to Nebraska and Kansas! Did I mistake his *objects* in May, 1853? Judge ye!

"Again in his letter of May 15, 1853,³⁴⁵ Benton said:

"In the substance of speeches which I delivered at Kansas, Westport and Independence (and which were intended for the whole State although delivered in one county) you will see this opposition described and that under both of its characters of fair and foul, in the latter of which I include the opposition from this State and the whole of which has its root in that traitorous nullification of which you speak. . . . At the last session this same treasonable doctrine manifested itself in a clandestine opposition to Nebraska *because it was Free Soil*,' etc.³⁴⁶

"This anyone can see was directly intended to arouse the abolition spirit of New England and New York and Ohio and to excite the abolitionists of St. Louis into activity. It required but a small portion of that foresight which Benton so ostentatiously claims to possess to detect his real end and aim in using such language. The opposition of myself to Free Soil he denounced *not to injure me with slaveholders*, of course not; but help himself *with the Free Soil enemies of slaveholders!* That was his object and his only object. To preach Freesoilism was the way to commend himself to Northern Freesoilers; he did this to gain Northern not Southern support. I was opposed to his Free Soil notions and still am opposed to them whether preached by him, Giddings, Sumner, Hale, Garrison, Theodore Parker or Wendell Phillips; whether 'insidiously' manufactured in Missouri, or boldly proclaimed in open rebellion and the shedding of blood in the streets of Boston. That treasonable doctrine and all treasonable doctrines which call for resistance, open or insidious, to the Constitution and laws I must, I shall always, oppose.

"But on what were Col. Benton's charges against the Democrats in Congress, the Administration, the Democratic party of Missouri and myself based? He has defined his position to be in favor of Free Soil in Nebraska and Kansas. In my speech at Parkville [Aug. 6] and elsewhere in Missouri *I defined my position*, a position which he pronounced 'traitorous nullification' and 'treasonable doctrine,' *a position occupied by every sound Democrat*

³⁴⁵ The Cole county letter, quoted in Chapter IV.

³⁴⁶ These italics are Atchison's.

*in and out of Congress and by the present Democratic Administration and fully and clearly taken and maintained in the Kansas-Nebraska bill*³⁴⁷ which has just passed Congress despite of Benton and his Free Soil friends in opposition to it and which has promptly received the approving signature of Franklin Pierce as President of the United States. That position was against Free-soilism and was thus distinctly announced by me at Parkville.

.³⁴⁸

"Thus the doctrine for which I contended and which Benton fiercely denounced was distinctly enunciated by me. *On that he joined issue both in Missouri and in Congress.*³⁴⁹ I contended for the right of the people in the Territories to govern themselves under the Federal Constitution, and to form republican State constitutions in such wise as they might deem expedient, when they sought admission into the Union as States. I contended that each State on coming into the Union, has a right to come in on terms of equality with the other States. I denied the right of Congress to say to any State of this Union that it should establish or abolish slavery. The Missouri Compromise and the Missouri restriction practically asserted that Congress had such rights. Here then was and still is the issue; Benton insisted that Kansas and Nebraska should be Freesoil; that the law of organization should be so framed and *ought to be so framed*,³⁵⁰ that all of his slaveholding constituents would be excluded from those Territories; that the citizens of one half the Union should be also excluded; that Congress had the right and ought to exercise it, to make Territories and consequently States freesoil States and Territories. *I accepted that issue and so did the Democrats of Missouri. The battle has been fought in Congress over the Douglas bill*³⁵¹ and the Democracy has won a proud victory. On the one side stood the Administration, the true-hearted Democrats of the North,

³⁴⁷ These italics are mine.

³⁴⁸ Here occurs a quotation from his Parkville speech. See Chapter IV.

³⁴⁹ The italics are mine.

³⁵⁰ These italics are Atchison's.

³⁵¹ The italics are mine.

nearly every Congressman from the Southern Whigs and Democrats, a majority from every State west of the Alleghanies, from the Falls of St. Anthony on the north to the Gulf and Rio Grande on the south (except Ohio and Wisconsin), aided gallantly by your sister State on the Pacific. On the other side were (to use the language of Benton when in 1830 he was battling for the Democracy and the West) 'a motley group, a most miscellaneous concourse, the speckled progeny of many conjunctions, veteran Federalists, benevolent females, politicians who have lost their caste,' etc., all marching under the leadership of Benton, Giddings, Sumner, Chase, Seward and Company. *The lines were thus drawn on the national theater as they had previously been drawn by Benton in our State,*³⁵¹ the Democracy battling for the Constitution and the rights of the people to govern themselves against the gathered fragments of old Federalism, abolitionism and all the varied isms of which Free Soil has been so prolific in these later times. *My position on this subject was well-known in Washington,*³⁵¹ and the issue that Benton made upon it I never shrunk from. . . .³⁵²

"The same distinct acceptance of the issue tendered by Benton was not only made by me in my speech at Parkville, but also at Weston and Fayette and elsewhere. At Weston I declared:

"'. . . I will support a bill to organize a government for that Territory upon the condition that such bill contains no restrictions upon the subject of slavery; and not otherwise. I will vote for a bill that leaves the slaveholder and non-slaveholder upon terms of equality. *I am willing that the people who may settle there and who have the deepest interest in this question should decide it for themselves.*³⁵³ As a very large and respectable portion of my constituents are directly and indirectly interested in slave property, I am unwilling that they with this species of property should be excluded. I will give no advantage to one citizen over another. . . . That there may be no mistake and that I may not be misunderstood hereafter, I now say emphatically

³⁵² Here occurs another quotation from his Parkville speech, and a brief, caustic, allusion to Theodore Parker and the Anthony Burns case.

³⁵³ The italics are mine.

that I will not vote for any bill that makes Nebraska Freesoil Territory. I have not, and do not intend upon any occasion to yield one inch to the spirit of freesoilism and abolitionism, whether they exhibit themselves at home or at Washington.'

*"I trust Fellow-citizens, that I have redeemed this pledge to the letter,*³⁵³ I congratulate you and the country that the boldness with which this new abolition crusade was met has resulted in banishing, it is hoped forever, from the halls of Congress the long continued agitation of fanatics against our property and our rights, the guarantees of the Constitution and the cherished principles of self-government.

"As Benton, however, continued his assaults in letter after letter during the whole of last summer, it became necessary for me repeatedly to meet the issue he had formed. . . ."³⁵⁴

"It was thus down to the latest moments before leaving Missouri to attend the meeting of Congress at the present session. *I openly accepted the issue that Benton had made.*³⁵⁵ Early in the present session Judge Douglas, as chairman of the Committee on Territories, introduced a bill virtually repealing the Missouri restriction. To avoid all possibility of cavil or doubt he phrased that part of the bill anew. Then came in Congress the fierce conflict which Benton had foreseen and for which he had prepared the Freesoilers and abolitionists and which after nearly five months' struggle resulted in the triumph of the Constitution and justice. *I declared that I would vote for no bill unless it rid us of the unconstitutional and anti-republican and iniquitous restriction of 1820.* So said a large majority of Congress. The Administration nobly came up to the same standard; Benton threw himself into the leadership of the opposition, notwithstanding he first obtained the confidence and support of the Missourians by his opposition to the infamous restriction and owes his political life to that fact; notwithstanding in an elaborate speech in 1830 he demonstrated by the record that from the first organization of the government to that hour, northeastern federalism, with its ally abolitionism had

³⁵⁴ Here occurs a quotation from his speech at Fayette. See Chapter IV.

³⁵⁵ The italics in this paragraph are mine.

always warred against the growth and prosperity of the West and that the South generally aided by the true Democrats of the North have striven to beat back the tide of federal hostility; notwithstanding the constitutional equality of the States was at issue and the rights and interests of his constituents; *notwithstanding the West in almost solid column was demanding that the Indian wall on our frontier should be removed and Missouri be permitted freely to expand westward towards the Pacific*; notwithstanding the 'wolf howl' of abolitionism and federalism was again raised in order to roll back from our State the tide of wealth and prosperity about to flow through it; despite too his talk last spring and summer about the importance and necessity of the immediate settlement and organization of that Territory, *he was foremost in the contest against right and justice, laboring with bold and unblushing effrontery to defeat what he had pretended most earnestly to desire, even to the extent of villifying the Administration and a Democratic Congress, falsifying history, and openly joining in the abolition crusade against Missouri and the West and South with such coadjutors as Giddings and Chase.*

"To the very last he coöperated with those enemies of the West and South in the most disorganizing and factious efforts to prevent a decided majority in Congress from passing a constitutional and anti-freesoil law for the immediate organization of Nebraska and Kansas.

"I now appeal to every man of candor and common sense in Missouri whether I was not right when last summer I boldly took up the gauntlet which Benton hurled at my feet, and stripped from him the mask he wore; declared that the 'insidious opposition' to the territorial organization and the 'traitorous nullification' were his; that his pretended love for Nebraska and the Central route were mere hypocritical pretenses on his part. Subsequent events, history, recorded history, has made that fact which was then mere prediction.

"*This issue made by Benton* ³⁵⁶ *between Freesoil and abolitionism on the one hand, and the Constitution and the rights of self-government on the other hand has to be met in Missouri at the*

*ballot boxes next August.*³⁵⁶ The abolitionists of the North and Benton their champion are marshalling their forces for the contest. *The first great conflict is in our State.*³⁵⁶ Hold Benton and the Swiss guard to the issue they have made. We only ask that there shall be no dodging; that they shall stand to the banner which he has ostentatiously erected. I know that thousands who did not understand his 'insidious' designs, honest and good men, have deserted him during the last three months; men who are sincere and zealous Democrats but who last year could not be made to believe that one so long honored by Missouri could so foully betray her and the Constitution. Now Benton himself has given them proof positive. There is no room for doubt from this hour forward. . . .³⁵⁷

"Before passing to another point I would refer to the third resolution adopted by a county meeting in St. Louis on the ninth of January last,³⁵⁸ which meeting was composed of the confidential friends and mouthpieces of Benton. At that meeting Messrs. W. V. N. Boy, Thomas L. Price, B. Gratz Brown, A. Kreckel, H. Dusenbury and John A. Kasson made the speeches. A committee of twenty-four reported the resolution through F. P. Blair, Jr., and said resolution was on motion of A Keyser unanimously adopted, according to the report in Benton's organ. The third resolution was as follows:

"Resolved that we are in favor of the immediate organization of a territorial government for Nebraska, and that we regard all

³⁵⁶ The italics are mine.

³⁵⁷ At this point Mr. Atchison took up the consideration of the subject of the Pacific railroad and said: "Intimately connected with this the main issue made by Benton was his effort to mislead the people concerning a railroad to the Pacific. One who did not know the hollow insincerity of Benton would have supposed last year that he was panting for the opening of Congress in order that he might introduce and carry through a bill to construct a railroad to the Pacific without waiting for what he asserted was the unnecessary surveys of United States engineers as well as to carry a bill for the immediate organization of Nebraska. The latter he asserted was an essential step to the former. Yet I have shown that instead of supporting he became a leader of the opposition to territorial organization. . . ."

³⁵⁸ This meeting was mentioned in Chapter VI.

who oppose it upon *whatever pretext*, as hostile to the best interests of the State.'

"Thus out of the mouths of his own chosen witnesses Col. Benton stands condemned '*as hostile to the best interests of the State.*'³⁵⁹

"*The Douglas bill was a western measure. It was designed to add to the power and wealth of the West.*³⁶⁰ The same political party which opposed the organization of Louisiana and Texas and threatened to dissolve the Union if that acquisition was made; that opposed the sending of forces to protect western settlements during the early Indian wars; that opposed the war of 1812 and rejoiced at the massacres in the northwest and mourned over the triumphs of Macomb and Brown and Harrison and Jackson; that in the Hartford Convention hatched Freesoilism by resolving that another slave State should never be admitted into the Union; that caused the Missouri agitation and that agitation kept this State out of the Union for about two years, and forced the passage of the so-called Missouri Compromise; that denounced the war with Mexico; that concocted the Wilmot Proviso; that contended against the 'indemnity for the past and security for the future' whereby New Mexico, Utah and California were acquired; that erected the Buffalo platform to defeat Gen. Cass; a party of sectional (and abolitionist) caste, *which has never failed to war against the West,*³⁶⁰ the Constitution and the honor of the country. Well might St. Louis declare Benton as hostile to her best interests; for no portion of the country is to be so largely benefited by opening Nebraska and Kansas to settlement. All of the railroad interests are largely interested, for a terminus on the western frontier, blocked up by an Indian wall, is very different from an indefinite extension west through new and rapidly opening settlements. Every interest in St. Louis was connected with this territorial question and there can be no plausible excuse for the envenomed hostility which the St. Louis representative has manifested since the Senate first commenced to act on the subject during the present session of Congress. His friends even had

³⁵⁹ The italics are Atchison's.

³⁶⁰ The italics are mine.

the sagacity to see all this last January and then to denounce him in advance if he dared to betray those interests as he has since done.

"In his recent speech against the Kansas-Nebraska bill and the Administration, Col. Benton said he should obey the instructions of the Legislature passed in 1847. This is an afterthought for him. When the instructions to which he refers were in force he voted against their requirement, as he did against the known wishes of nine-tenths of his constituents, when the Texas annexation measure was before the Senate. The same Legislature that elected him to the Senate at the session of 1844-45, elected him under a distinct pledge given by his friends that he would obey the instructions which might be passed. Without that pledge he could not have been elected. That Legislature passed these instructions intended, as he and all others well knew, expressly for him:

"'Fifth resolution: That in the opinion of this General Assembly, a great majority of the people of this State prefer that Texas should be annexed to the United States without dividing her territory into slaveholding and non-slaveholding States; *but leaving that question to be settled by the people who now or may hereafter, occupy the territory that may be annexed.*'³⁶¹

"Thus did Missouri announce *the same great doctrines* for which I contended and *on which the Douglas bill was framed*³⁶² and *against* which Benton has joined issue with me, with the Legislature and with the Democracy of Missouri, with Congress and with the Administration.

"Again our State declared through her Legislature that doctrine in 1849, the same to which no one save Benton and a few St. Louis Freesoilers have ever dared openly to express any dissent in our State. That doctrine, the same as that on which Douglas's bill and the Administration stand as well as the whole Democracy of the United States was thus enunciated by a resolution of our General Assembly:

"'Resolved, That the right to prohibit slavery in any Territory belongs exclusively to the people thereof and can only be

³⁶¹ The italics are mine. *Cong. Globe*, xiv, 154. See Chapter VI.

³⁶² The italics are mine.

exercised by them in forming their Constitution for a State government or in their sovereign capacity as an independent State.'

"Benton has in this as in most other matters shown 'himself 'hostile to the best interests of the State' and to its cherished opinion. Ever since he commenced courting Freesoil support he has turned his back upon Missouri and his constituents.

"Fellow-citizens, in the great contest which has just ended in Congress upon the Kansas-Nebraska bill, the whole Missouri delegation has proved true to the instructions of the Legislature, to the Constitution and to the rights of self-government, except only the representative from St. Louis. Geyer, Lamb, Phelps, Caruthers, Miller, Oliver, and Lindley have stood up like men for the Douglas bill and deserve well of their constituents.

"DAVID R. ATCHISON.

"Washington, June 5, 1854."³⁶³

³⁶³ This letter was printed in the *Missouri Republican*, June 21, 1854.

APPENDIX D

Colonel Parker's "Secret History of the Kansas-Nebraska Bill"

Colonel John A. Parker's article on *The Secret History of the Kansas-Nebraska Bill*, referred to in the text, was afterwards published in pamphlet form,³⁶⁴ and in that form is preceded by an "Intro-

³⁶⁴ Of this pamphlet, I have seen but two copies. One is in the Boston Public Library, and the other was loaned to me by Mrs. R. E. Wynne of Tappahannock, Essex County, Virginia, the only surviving child of Colonel Parker. The title pages of these two copies differ. That of the Boston copy is as follows: "Reprinted from the National Quarterly Review, July, 1880. Copyrighted. What Led to the War, or the Secret History of the Kansas-Nebraska Bill. By Col. John A. Parker of Virginia. With an Introductory Note by Waldorf H. Phillips of New York. New York, Thompson and Morean, Printers, 51 & 53 Maiden Lane, 1880." The title page of the Wynne copy is as follows: "The Missing Link. Reprinted from the National Quarterly Review for July, 1880. Copyright. What Led to the War or the Secret History of the Kansas-Nebraska Bill by Col. John A. Parker of Virginia. With an Appendix containing Sketches and Reminiscences of 'The Richmond Enquirer' and 'Whig' and their Editors, and an Introductory Note by Waldorf H. Phillips of New York. Washington, D. C. Gray & Clarkson, Printers and Publishers, 1886."

The body of the two editions of the pamphlet are, I think, precisely alike, except that the Introductory Note of the Wynne copy contains this statement which did not appear in the earlier reprint: "This was written, viz., in October, 1883. Hon. Jefferson Davis has written to Colonel Parker, and confirmed every fact contained in this paper." Very few papers belonging to Colonel Parker have been preserved, and such as are known to be in existence are in the possession of Mrs. Wynne through whose courtesy I have been able to examine them. The Davis letter has not been found. There is some correspondence of Parker and Davis in the Confederate

ductory Note" written by Waldorf H. Phillips of New York, giving a number of facts in Colonel Parker's life, of which the most important follow.

At the time the pamphlet was written Colonel Parker was, and had been since 1859, representing the State of Virginia "in a matter of very great importance to her and to other States." He and Mr. Thomas Green, a son-in-law of Thomas Ritchie, were associated as agents for the State of Virginia to procure a settlement from the Federal Government for money loaned by the State of Virginia for the purpose of erecting public buildings, and also for money loaned in the War of 1812. In the settlement of these claims which were not finally adjusted until after his death in 1894, Colonel Parker was engaged for some years.³⁶⁵ For forty years he had been officially connected with the Federal Government either at home or abroad. In 1835 he was sent by President Jackson on a secret mission to Texas connected with the independence of that State. In 1851 he was appointed Librarian of the House of Representatives. In 1855 he was Secretary of the Judiciary Committee of the House which then had charge of the investigation of the great frauds consummated by Gardiner and others under the Mexican treaty. In 1856 Park-

Museum at Richmond, Va., but I have been unable to get trace of this valuable document.

I have also been unable to discover who Waldorf H. Phillips may have been. Mrs. Wynne could give me no information upon this point. Mr. Phillips concluded his Introductory Note by saying that "Colonel Parker is not even acquainted with Mr. Phillips, nor does he know certainly how he obtained the information he has given in his introductory. . . ."

³⁶⁵ Beverley Tucker was the agent for South Carolina in a similar matter. Mrs. Wynne is authority for these statements.

er was appointed Register of the Land Office of Nebraska; in 1860 he was appointed United States Consul at Honolulu. After he had made three requests to be relieved from this post the request was finally granted in 1862. After his return to the United States Colonel Parker was offered a mission to South America which he declined.³⁶⁶

Mr. Phillips states that

“. . . It was Colonel Parker’s good fortune to be closely connected, politically and officially, with some of the principal actors, and with others by the closest ties of personal friendship and family relations. Among the latter was one who exerted more influence in making and unmaking public men in the United States than any other man in the same period, and of the possession of whose entire confidence, to a degree which he did not fully impart to his own son, Colonel Parker has abundant evidence. This was Mr. Ritchie,³⁶⁷ editor of the *Washington Union*. There was another, who reached the Presidency, whose confidential friend our author was for more than twenty years.”³⁶⁸

³⁶⁶ “His record in all Departments,” say Mr. Phillips, “shows that he has always discharged the duties assigned him to the entire satisfaction of the appointing power as well as his own lasting merit.”

³⁶⁷ Thomas Ritchie, who was also editor of the *Richmond Enquirer* for forty years; died 1854.

³⁶⁸ Probably President Buchanan. The *Virginia Magazine of History and Biography* for July, 1905, contains some “Reminiscences of Colonel Parker” relating to the nomination of Buchanan and of Parker’s relations with him.

In these “Reminiscences,” written in March, 1877, there occurs the following reference to the Kansas-Nebraska bill, from which it is fair to infer that Colonel Parker had contemplated the publication of his story of the origin of the Repeal several years before his article was published:

“ ‘The Kansas-Nebraska’ bill. Only two persons are now living who know the real author of that bill, its history and purposes. Judge Douglas was the *reputed* author—and its patron, and the American people, even now, think he was the real author; I *know* he was *not*—and I *know how* and *why* he became its active patron.

“The *true* history of the bill is written, it has never yet been published,

In anticipation of the very pertinent query why the publication of the facts contained in this pamphlet had been so long delayed, Mr. Phillips has this to say:

“. . . . It has been only after persistent urging on the part of his friends and many prominent gentlemen all over the country, and after many years of deliberation, that Colonel Parker has been induced to write his article. He believed until very lately, that the time had not come for a calm consideration and an impartial judgment of the facts. The angry and bitter feeling engendered by the late struggle had not sufficiently died out.”

Mr. Phillips adds that

“Colonel Parker desires to say that no confidence is violated in making this publication, and that the information it contains was honorably acquired. He also wishes to distinctly disclaim any intention to assail the motives of the originator of the important measure, who, he believes was governed by the highest considerations which bind man to his fellow man, the belief that he was honorably serving his country, and fidelity to personal and political friendship, or of any of the distinguished actors of whom he speaks or to whom he alludes. If their acts proved disastrous, they should not be too harshly judged. It is frequently the case, that men, intending no injury and with the purest motives, commit great and lamentable errors.”

Mr. Phillips's introductory statement is not the only testimony bearing upon Colonel Parker's credibility as a witness. As has already been stated, Colonel Parker in 1851 was appointed Librarian of the House of Representatives at Washington. Early in December, 1853, at the opening of the first session of the 33d Congress, the session which enacted the Repeal, Parker was removed from that office by the

but *may be before I die*—or afterwards, and also these sketches, which will be found among my papers, with my correspondence, to sustain and fully verify, every statement I have made.”

Clerk of the House, Mr. John W. Forney of Pennsylvania, with whom the power of appointment and removal was then vested. This action of Forney's seems to have occasioned no small amount of agitation and indignation among the members of the Virginia Congressional delegation, and the Richmond *Enquirer* devoted considerable space to the circumstances of the removal, including the publication of a long letter³⁶⁹ from Colonel Parker in which he replies to certain criticisms by Mr. Forney. In all this there is nothing which tends to throw discredit upon Colonel Parker or to impeach the value of his testimony. "Fairfax," the Washington Correspondent of the Richmond *Enquirer*, spoke of him at this time in the following terms: "Colonel John A. Parker of Virginia is known to most of your readers as a politician of ability and as an honorable gentleman. He is and always has been a sound Democrat and has been Librarian of the House of Representatives for the past two years. . . ."³⁷⁰

³⁶⁹ This letter was dated December 10, 1853, and appeared in the *Enquirer*, December 20.

³⁷⁰ Writing December 6, 1853, in the *Enquirer* of December 9, 1853. "Fairfax" continues: "This office is within the gift of the Clerk of the House. To-day Mr. Parker was removed by Forney. The cause assigned is, the absence of Mr. Parker from Washington from time to time during the summer when there is nothing to do. . . . The majority of the Virginia delegation would not vote for Forney for Clerk and Mr. Parker would not be made the tool to advocate the re-election of the 'stool pigeon' candidate and hence his removal. It is to revenge himself upon the Virginia delegation that Forney has struck off Parker's head. Probably he may yet regret the gratification of his malice. The Librarian has no connection with the clerkship and there is no reason why he should be appointed by the Clerk. A movement is now on foot to make the office elective and to restore Mr. Parker to his place by vote of the House. This should be done.

The facts stated above create a strong presumption in favor of the reliability of Parker's testimony. It may be alleged on the other hand that at the age of seventy-six³⁷¹ a man's memory is likely to be so defective as to be quite unreliable. To this the rejoinder may be made that the circumstances connected with an event of such interest and importance and magnitude as the repeal of the Missouri Compromise would sink more deeply in one's mind and be recalled after the lapse of years with much greater distinctness and accuracy than circumstances of ordinary importance. Especially would this line of reasoning hold true of a professional politician a part of whose business it is to observe accurately and hold tenaciously in mind events of such supreme political importance as was the repeal of the Missouri Compromise.

After this preliminary examination of Colonel Parker's credibility as a witness, we are prepared to take up his testimony.

"The passage of the Kansas-Nebraska bill, and the execution

It is a point of honor with the Virginia and Southern Democrats who refused to vote for Forney; the justification or the condemnation of their course is involved in the decision. There can be no doubt of the action of the House. It will be glad to do justice. . . . On the thirteenth, Fairfax wrote: "The resolution to elect a House Librarian was defeated to-day by four votes. It will yet pass in some shape or other. The majority of the House are in favor of it." In the *Enquirer* of December 16, 1853. See *Cong. Globe*, xxviii, Pt. i, 22, 34, 35, 40, and the remarks of Mr. Bayly of Virginia, December 22, 1853.

³⁷¹ Parker was born February 20, 1804, in Westmoreland County, Virginia, and died, June, 1894, in his ninety-first year. This would make his age at the time his pamphlet first appeared, seventy-six. Mrs. Wynne states in a letter that "he was in perfect health when he wrote that pamphlet and had the most remarkable memory I ever knew. He was called a 'walking encyclopædia.' Never forgot dates."

of the law by Presidents Pierce and Buchanan, led directly to secession and its consequences. The Kansas-Nebraska bill was the most important which ever passed the Congress of the United States. Yet the American people to this day do not know, and cannot have known, who was its author, or what were the immediate objects to be accomplished by its passage. Stephen A. Douglas was, and still is, believed by the country to have been its author. It is a fact that he, as Chairman of the Senate Committee on Territories, reported it to the Senate, and was its able and active supporter and advocate. *But Mr. Douglas was not its author.*

“That the people of to-day may know the importance of that bill, it is necessary that a brief sketch be given of the slavery question. The writer desires to say, and it is due to the reader, that he was in 1854 in a position to know many facts and incidents connected with this bill which were not accessible to the public, or even to the press of the country. He believes only one other person, perhaps two, to be now living, familiar with the origin and secret history of the Kansas-Nebraska bill. He may also add that he is familiar with, and has taken part in, the slavery agitation since 1819 and 1820, and that he was a slaveholder until the late war. As early as 1835 he was convinced that slavery was one of the greatest evils we had to contend with, and the greatest barrier to national prosperity. These views were obtained by observations made in extensive travels through the Southern and Western States. He, however, disapproved of the slavery agitation as conducted by Garrison and his coworkers. He believed that their course delayed the emancipation of the slaves, so much desired by some of the most distinguished men, slave-owners, in Virginia, in 1831 and 1832, who were then endeavoring to devise some scheme for gradual emancipation.”

A sketch of the slavery controversy in the United States from the beginning down to 1854, covering several pages, is here omitted.

“The people of Missouri had commenced the cultivation of hemp, a crop yielding large profits, but which it was believed

could not be successfully produced except by slave labor.³⁷² That portion of Nebraska which is now Kansas was regarded as peculiarly adapted to the cultivation of hemp. It was known by the representatives of Missouri that for this reason the repeal of the Missouri Compromise would be popular with the people of that State.

"Thomas H. Benton had served thirty years in the Senate, but had then been superseded. He had lost caste with a portion of the Democratic party, after having been for many years its trusted and fearless leader. He never was popular with either of the extreme wings of the party, and was specially objectionable to the friends of Mr. Calhoun. He was too national to be popular with the nullifiers and secessionists of the South or abolitionists of the North. He had been the strongest supporter of Mr. Van Buren's administration, and many believed that he sympathized with that gentleman in 1848. After being defeated for the Senate he was elected to the House of Representatives, but he looked forward to a reëlection to the Senate when the term of his late colleague, the Hon. D. R. Atchison, should expire. He had been further alienated from the Democratic party by his opposition to Mr. Polk's administration during the Mexican War, and the bitter warfare which he waged against Secretary Marcy, Mr. Ritchie, and other prominent men of the party. Mr. Polk had made an effort to conciliate him, and against the protests of three members of his Cabinet, he appointed him Generalissimo of the armies in Mexico, to which office he was confirmed by the Senate.

³⁷² Paxton's *Annals*, 63 ff. gives a few interesting statements about the production and prices of hemp in that county during this period. "The Springfield (Massachusetts) *Republican* is permitted to extract the following passages from a private letter written by an Eastern gentleman now resident in Missouri to a friend in Springfield. The *Republican* says: 'We know the gentleman well, and his statements are entirely reliable.' 'I am informed that the adjacent territories of Kansas and Nebraska to the distance of two hundred miles west, furnish hemp lands equal to the best in Missouri. Already hundreds of hemp growers have made their selections for new farms in the vile-born territories and yet we have heard that Kansas and Nebraska are unsuited to slave labor.'" The geography and climate are then described at some length.—Quoted in *Missouri Republican*, June 23, 1854.

He was clothed with diplomatic powers. In one hand he was to hold the sword and in the other the olive branch. But just at the time he was to leave on his mission, a misunderstanding arose and he was not sent. Mr. Atchison had been President of the Senate, was a native of Kentucky, and was very popular, especially in the South and with the friends of Mr. Calhoun. Mr. Benton and he had become bitter personal and political enemies. His term in the Senate was about to expire and Mr. Benton was his most formidable competitor. The result of the contest was considered doubtful, and it was deemed by Mr. Atchison's friends important to strengthen him in Missouri, and to weaken Mr. Benton.

"How to do this was considered in 'secret session.' It is thought that only three, besides Mr. Atchison, knew in the early stages the programme marked out. Subsequently others were made acquainted with it. *The originators of the plan fixed upon were Mr. Atchison and three other able and distinguished Southern Senators*, men of great influence in the whole country, and especially influential in the South. Only one of these four men is now living, and it is due to him and those now at rest to say that if they could have foreseen the consequences which would result from the repeal of the Missouri Compromise, we believe no one of them would ever have been instrumental in causing it. Mr. Pierce had carried for his election all the States of the Union, save Massachusetts, Vermont, Kentucky, and Tennessee, and it was believed that the measure to repeal the Missouri Compromise could be carried and cause but little sensation in the country. This was a grave error. *The primary object, therefore which induced the initiation of the measure to repeal the Missouri Compromise was to secure the reëlection of Mr. Atchison to the Senate.* *The means to be employed was the repeal of the Compromise, in order that the people of Missouri might carry their slaves to Kansas and there raise hemp.*

"*The author of the Kansas-Nebraska bill was not Mr. Douglas but Mr. Atchison.*³⁷³

"Early in the session of 1854, Mr. Douglas, Chairman of the Committee on Territories, introduced a bill to establish a territo-

³⁷³ The italics on this page are mine.

rial government in Nebraska, then embracing the present States of Kansas, Nebraska, and parts of Colorado, and the Territories of Wyoming and Dakota. No mention was made in it of Kansas. The bill, as originally introduced, differed but little from kindred bills which had been passed by Congress. Soon after the introduction of the bill Mr. Dixon, a Whig Senator from Kentucky, and *a personal friend of Mr. Atchison*, gave notice in the Senate that when this bill should come up he would offer an amendment to repeal the Missouri Compromise. This was the first notice that such action was contemplated. The whole country was taken by surprise. There were then two Democratic papers published in Washington: the *Union*, edited by O. P. Nicholson, the organ of Mr. Pierce's administration, and the *Sentinel*, edited by the gifted B. Tucker. Each of these papers, when Mr. Dixon gave this notice, denounced it as a Whig movement, intended to be a firebrand, and having for its object the breaking down of the Democratic party. The files of these papers will show the facts as here given. It is certain that neither of these editors was at the time in the secret.

"Not long after the notice given by Mr. Dixon, Mr. Douglas moved in the Senate to have the Nebraska bill recommitted, which was done. Again, a little later he reported the Kansas-Nebraska bill for establishing two territorial governments. But before this was done he was made to believe that it would be a very popular movement in the South and contribute largely to his nomination for the Presidency in 1856. It is doubtful whether he ever knew the real object to be attained by the repeal. The President was also consulted and was impressed with the idea that if he made it an administration measure it would give him additional strength in the South, and greatly help him to a renomination in 1856. The President laid the subject before his Cabinet, then composed of Secretaries Marcy, Guthrie, Jefferson Davis, Campbell, Cushing, Dobbin and McClelland, and all consented that it should be made an administration measure. Mr. Marcy, who consented reluctantly, was not very cordial in its support."³⁷⁴

³⁷⁴ The following passage, occurring in a letter from the late President George W. Atherton of the Pennsylvania State College, dated August 19, 1904, is of some interest, in connection with these last statements of

Then follows a sketch of the political events ensuing, including a brief outline of the Kansas troubles, down to the outbreak of the War, concluding with this summary:

"This sketch has been written at the request of friends and to supply a missing link in the history of the past. It has been written in no sectional spirit, neither to wound the feelings of any now living nor to disturb the ashes of the dead. The writer has outlived all bitterness and unkind feeling toward any party or person on earth.

"From these facts, as herein given, the following conclusions are warranted:

"*First:*—That the repeal of the Missouri Compromise was not called for by the South at the time it was repealed, the bill being offered by a Northern man who was its ostensible author.

Parker: "With regard to the repeal of the Missouri Compromise, I must confine myself to the briefest possible statement. The impression which was publicly given out at the time was that since a Northern man proposed the repeal, the Southern leaders and Southern people could not graciously refuse to assent to it, while it would have been a very different thing (said they) if the South had proposed it. The fact is on the contrary, that the South proposed and insisted on it, and selected Senator Douglas as their fitting instrument, on account of his strength in the North, and they counted for success upon his well-known ambition to secure the vote of the South for the Presidency. Douglas refused to undertake the matter unless it should be made an iron-clad 'administration measure.' The President for a long time resisted the importunities of the Southern leaders, but was able at length to secure that assurance for Douglas and he then undertook the work.

"My informant as to the above was the Hon. Charles J. Faulkner, who was then in Congress, and was at the outbreak of the Rebellion our minister to France. After the close of the War, he was a member of the United States Senate from West Virginia. I have never had an opportunity to follow up his statements, but they were unequivocal and vigorous, and my own recollection, although the conversation took place nearly thirty years ago, cannot be at fault." Correspondence with Senator Faulkner's son, Hon. Charles J. Faulkner, Washington, D. C., has failed to bring to light anything of value in this connection. "Judge Price always told me that the South used Douglas." (Mr. Wm. E. Connelley in a statement to the author.) See Foote's *Casket of Reminiscences*, 193.

Second: — That the primary object of the Repeal was to politically strengthen one man and to weaken another.

Third: — That the South contended for a principle which had it been established, would have been of no political benefit to it or to the cause of slavery: 1. Because slavery could never have been established north of $36^{\circ} 30'$; 2. Because there was open to slavery south of $36^{\circ} 30'$, in Texas, Louisiana, Arkansas, Mississippi, Florida and Alabama, unoccupied lands sufficient to employ all the slaves in the United States, and their increase for at least one hundred years to come.”³⁷⁵

³⁷⁵ It must be admitted that the value of Colonel Parker's testimony would be enhanced very materially if he had stated precisely the position he held in 1854 which enabled him to “know many facts and incidents connected with this bill which were not accessible to the public, or even to the press of the country,” and particularly if his correspondence sustaining and fully verifying every statement could be found.

With the view to discover, if possible, this important fact in Parker's career, I have corresponded with a large number of individuals, including Mrs. R. E. Wynne, daughter of Col. Parker, Wm. G. Stannard of the Virginia Historical Society, John S. Wise, Esq., John Goode, Esq., Hon. John A. Kasson, Prof. Wm. E. Dodd, Judge T. R. B. Wright of Tappahannock, Va., and the late Hon. A. R. Spofford. Biographical dictionaries and Congressional Directories have also been consulted but no information has been obtained more definite than that which Parker himself gives. I suspect that Parker was the secretary or clerk of some congressional committee, but this, of course, is mere conjecture and based only upon the fact that Parker was secretary of the Judiciary Committee of the House the year after the Kansas-Nebraska bill was passed.

APPENDIX E

Atchison's Claims and Douglas's Denials

In the Introduction it was stated that Senator Atchison on different occasions publicly claimed the credit of originating the repeal of the Missouri Compromise and that it was mainly through his efforts that Mr. Douglas was induced to assume charge of the measure in Congress. The first of these occasions was in a speech delivered at Atchison in Kansas Territory, a few months after the passage of the Kansas-Nebraska bill.³⁷⁶ Of this speech there are two contemporary accounts. The earlier of them appeared in the *New York Tribune*, October 10, 1854, being copied into that paper from the Parkville (Mo.) *Luminary* of September 26, where it was first published as told by an eye-witness. The later account was written by a correspondent of the *Tribune* in May, 1855,³⁷⁷ and appeared in the *Tribune*, on the fourth of June, 1855. Since the later account in some respects logically precedes the earlier, it will be quoted first.

³⁷⁶ September 20, 1854.

³⁷⁷ Dated May 28, 1855. The author of this letter was the Rev. Frederick Starr, author of the *Letters to the People* published in 1853 over the signature, "Lynceus." An interesting manuscript letter is attached to the copy of this pamphlet in the Harvard University Library, telling of the way in which the pamphlet came to be published and the excitement which it caused in western Missouri at the time. See also an editorial in the *Missouri Republican*, December 30, 1853.

"St. Louis, Monday,

"May 28, 1855.

"Among all the letters in the *Tribune* from Kansas and its neighborhood, I do not recollect anywhere to have seen the true reason stated why the *Parkville Luminary* was destroyed and its proprietors presented with the alternative of flight or violence.³⁷⁸ Let me briefly disclose it. One warm day last summer a large crowd had assembled at the town site of Atchison in Kansas to attend a sale of lots. 'Dave'³⁷⁹ himself was there, and as there was much whiskey and many friends, he got 'glorious' a little earlier in the day than usual. So with much spitting on his shirt and making himself more nasty than common the Vice-President delivered himself something after this wise:

"'Gentlemen, you make a d—d fuss about Douglas, but Douglas don't deserve the credit of this Nebraska bill. I told Douglas to introduce it. I originated it. I got Pierce committed to it, and all the glory belongs to me. All the South went for it, all to a man but Bell and Houston, and who are they? Mere nobodies, no influence, nobody cares for them.'

"It happened that a young man from Parkville was present, a friend of Atchison, by the way. When he came home he was sounding Atchison's praises and repeating what he had said. Patterson of the *Luminary* got him to write down the exact words of the Vice-President, and the next number contained a verbatim report of portions of his conversation. By this time some of Dave's friends were sober, if he was not. There was trouble in the camp. The *Platte Argus*, the Atchison organ, came out with a flat denial of the language. The Parkville young man replied over his own initials, that he heard and reported the words exactly as they were published, and whoever should deny them was a liar, intimating his readiness to maintain the same against all comers. Meantime a chivalrous nephew of John Bell residing in St. Louis had seen the report of Atchison's language in the *Luminary*, and had written him requiring a categorical answer to

³⁷⁸ This occurred April 14, 1855. A different cause for the destruction of the *Luminary* is given in Paxton's *Annals*, 199.

³⁷⁹ David R. Atchison.

the question whether he had used the language imputed to him concerning his uncle. The tone of the letter was strongly suggestive of 'the usual satisfaction.' Dave evidently thought his three hundred pounds of flesh too good a mark for a pistol ball, and he accordingly replied to the nephew that he had the most distinguished consideration for his uncle and never said such a word about him, if he had said anything that the lying scoundrels had tortured into what they published, he begged that it might be passed by, as he was '*in liquor at the time.*' And thus the Vice-President escaped the vexation of personal responsibility for his language. Drunkenness is not usually regarded as a valid plea for a lawyer to make in behalf of a client, but it seems very good for a Vice-President.

"But the mischief was done, notwithstanding. Douglas looked glum about his stolen thunder. Bell and Houston were not disposed to any special affability toward the President of the Senate. So he sent his resignation and stayed away two or three weeks after the meeting of Congress.³⁸⁰ Judge with what bitter hatred he regarded the *Luminary*, and when he could sway the mob power, how eagerly he employed it to wreak his private vengeance. *Veritas.*"

The other and earlier of the two accounts of this speech at Atchison is as follows:

"Gen. Atchison mounted an old wagon and made a speech. He commenced by alluding to the beautiful country which was now beginning to be settled, to some of the circumstances under which a territorial government was organized, and in the course of his remarks mentioned how Douglas came to introduce the Nebraska bill with the repeal clause in it.

"Senator Atchison said that for himself, he is entirely devoted to the interests of the South, and that he would sacrifice everything but his hope of heaven to advance her welfare. He thought the Missouri Compromise ought to be repealed, he had pledged him-

³⁸⁰ Atchison did not resign in so many words, but wrote a letter from Platte City, Mo., November 11, 1854, which was evidently interpreted by the Senate as a resignation. At any rate the Senate immediately proceeded to elect a president *pro tempore*. The letter is printed in *Cong. Globe*, xxx, 1.

self in his public addresses to vote for no territorial organization that would not annul it, and with this feeling in his heart, he desired to be chairman of the Committee on Territories when the bill was to be introduced. *With this object in view, he had a private interview with Mr. Douglas and informed him of what he desired, the introduction of a bill for Nebraska like what he had promised to vote for,*³⁸¹ and that he would like to be chairman of the Committee on Territories in order to introduce such a measure, and if he could get that position he would immediately resign as Speaker [sic] of the Senate. *Judge Douglas requested twenty-four hours to consider the matter,* and said if, at the expiration of that time he could not introduce such a bill as he (Mr. Atchison) proposed which would at the same time accord with his own sense of right and justice to the South, he would resign as the chairman of the territorial committee in Democratic caucus, and exert his influence to get him (Atchison) appointed. At the expiration of the given time Senator Douglas signified his intention to report such a bill as had been spoken of.³⁸²

"Gen. Atchison next spoke of those who had supported and those who had opposed the bill in the Senate, and remarked that Northern Democrats came up nobly to the work but that North-

³⁸¹ The italics are mine. See in this connection, Holloway's *History of Kansas*, 97-98; and Spring's *Kansas*, 24-25.

³⁸² The speech of Atchison on this occasion is quoted by Jehu Baker in his speech at Belleville, Ill., October 18, 1854. The speaker added this comment: "He [Atchison] there reveals the secret history of the repeal of the Missouri Compromise. . . . Here we have it. Here we see Mr. Douglas taken aback by the proposal of Mr. Atchison, and requiring twenty-four hours to consider whether he can venture to make this leap! How perfectly irreconcilable is this with what Mr. Douglas has since insisted upon with so much pertinacity—that in urging the repeal of the Missouri Compromise he was, like a good patriot, obeying the solemn behests of the legislation of 1850! He had rested under that solemn patriotic obligation for three years without knowing it! Senator Atchison's suggestion quickens his conscience, and after twenty-four hours' reflection, he is enabled to hear a voice as it were, coming forth from the legislative scrolls of 1850, and bidding him, in the name of liberty, to strike down the prohibition of slavery in Kansas and Nebraska! Let thoughtful men ponder these things in the love of truth."—The *Weekly Democratic Press* (Chicago), November 11, 1854.

ern Whigs had proved recreant to the cause of justice and right. Southern men, he said, acted as they should have done, with, he was sorry to say, two exceptions. (A voice in the crowd here called out, 'Bell and Houston.') Yes, he said, these were the men, one Whig and one Democrat, both aspirants for the Presidency. *But poor miserable devils*, they had made a false step, and he might say now he (Atchison) had a fairer chance for that high honor than either of them. The American people loved honesty and could appreciate the acts of a man who openly and above board voted according to the will of his constituents, without regard to political favor.

"Senator Atchison next alluded to the slavery question, as it is now being agitated in our community, and closed by expressing his profound contempt for abolitionists and their machinations, and said that if he had his way he would hang every one that dared show his face here. In referring, however, to Northern men settling in Kansas Territory, he said he knew there were sensible, honest, right-feeling men among them, who would be as far from stealing a negro, as a Southern man would, and his remarks applied only to avowed abolitionists. Such is a glance at some of the points in Senator Atchison's speech."

The fact that these assertions of authorship were made when Senator Atchison was, to all appearances, "under the influence of the invisible spirit of wine"³⁸³ has caused previous writers to discount their importance. If, however, Mr. Atchison induced Mr. Douglas to champion the Repeal, the latter no doubt insisted, as a condition precedent, that Atchison should agree not to claim publicly the credit of originating the plan of Repeal. Mr. Douglas would naturally wish to receive the entire public credit for the affair in view of its possible effect in attracting to himself political support. It would also be a part of the understanding that the agreement should be kept

³⁸³ The quoted phrase is Mr. Rhodes's.

secret: otherwise it is difficult to see how Douglas could hope to profit by the course he pursued. Now it is a common occurrence for men in their cups to become loquacious and to publish secrets the revelation of which often leads to unpleasant complications. No one thinks of rejecting *in toto* statements made under such circumstances. The fact that Mr. Atchison may have been intoxicated is not of itself sufficient to brand his assertions as false.

There is no evidence that Senator Atchison was intoxicated when he delivered a speech at Platte City, Missouri, in February, 1856. On this occasion he made a much more guarded declaration of his part in the Repeal; yet the declaration by no means constitutes any denial of his previous claim. Instead, it is a most unequivocal assertion that he had not only been ardently in favor of the Repeal but also a prominent agent in accomplishing it. The following passage from this speech is pertinent:³⁸⁴

"I now wish to review my course on the Kansas-Nebraska bill. When the subject was first introduced, you know I opposed it. I plainly saw, then, all the difficulties that would and have attended it. I told you then that it would be of no benefit to you. I told you it would be injurious to the commerce of the frontier counties; that the trade would go West with increase of population. But meetings were held, resolutions were passed, declaring it was your wish to open that Territory, and I, being a true Democrat promised to go for it *on one condition, and that was, that the Missouri Compromise, so-called, — the Missouri restriction, properly called — be repealed.* I addressed the people here in this court house, at Parkville, at Westport, in fact, all over the State, and told them that *if the Compromise was repealed, I would*

³⁸⁴ Quoted in the *N. Y. Times*, February 25, 1856. See also *Rev. Pol. Action*, 74-75.

go for a bill to organize the Territory, and in a speech at Independence, I told the people that, unless that restriction was repealed, I would see them damned before I would go for it. That was the English of it. Well, it was done. I do not say that I did it, but *I was a prominent agent.*"³⁸⁵

A little more than two months after Senator Atchison's speech at Platte City, and nineteen months after the speech at Atchison, Kansas, Senator Douglas publicly made what is usually interpreted as a complete denial of the truth of the statements referring to himself contained in these reports of Senator Atchison's speech in Atchison, Kansas.

This denial occurred in the course of a debate in the Senate upon the reception of the Kansas legislative petition in April, 1856.³⁸⁶ In order that the entire situation may be before the reader, the remarks preceding and following the denial of Mr. Douglas are given quite fully.

"MR. WILSON [of Massachusetts]: But that bill [the Nebraska bill of the 32d Congress] was defeated. David R. Atchison, a man eulogized here for his thousand virtues, went home to Missouri; and in the summer of 1853 there was organized in western Missouri, secret lodges, sworn and pledged to carry slavery into Kansas, in spite of that prohibition of 1820. These secret lodges knew that the time had come to settle those rich lands in Kansas and Nebraska, and they resolved to plant slavery there. These secret societies were organized under the leadership of the then President of the Senate, the man who has been and who is this day the chieftain of the Border Russian Democracy, under whom the Senator from Illinois and the chiefs at the other end of the avenue are mere lieutenants.

"General Atchison came here in December, 1853. If we

³⁸⁵ The italics are mine.

³⁸⁶ April 14, 1856.—*Cong. Globe*, 1st Sess., 34th Cong., Appendix, 390 ff. Mr. Atchison was not a member of the Senate at this time.

can rely upon his own statements, made to a public meeting in Atchison, Kansas, published in the St. Louis papers, and never denied by him, to my knowledge, he submitted the proposition to the Senator from Illinois, to bring in a bill to repeal the Missouri Compromise, or allow him to resign the Presidency of the Senate and take the chairmanship of the Committee on Territories. He boasted in Atchison, Kansas, that he was the leader in that repeal; that the Senator from Illinois took time to consider his proposition, and consented to bring in a repealing bill. The Senator from Illinois followed the lead of this great chieftain, whom the Administration and the border ruffians alike follow today; for he is their guide, their leader and their chieftain. That measure was carried through Congress; and then, before any man from New England entered Kansas, it was resolved by members of the Blue Lodges of Missouri, that they should be removed out of that Territory. . . .

"MR. DOUGLAS. The Senator from Massachusetts has referred to *that stale Abolition libel* that Senator Atchison said he had given me twenty-four hours to say whether I would bring in the Nebraska bill, or resign to him the chairmanship of the Committee on Territories. *That is a vile Abolition libel.* Gen. Atchison has on more than one occasion denounced it as a libel. I thus brand it here as being without the shadow of a truth. You know, Mr. President [referring to Mr. Bright of Indiana in the Chair], that *that bill was prepared before any Southern man was consulted*; and that *you, together with another northwestern Senator, were the first who were consulted on the subject.* Then, after you had endorsed it, as I take pleasure in saying that you did, promptly and fearlessly, *we consulted our Southern friends.*³⁸⁷ I trust, therefore, that I have put an end to that foul slander, invented for partisan and malicious purposes, and which has been repeated so often, and so widespread over the whole country.

"The Senator from Georgia [Mr. Toombs] has been represented as being the author of the bill, and the man who dragooned me into bringing forward that bill. The New York *Evening Post*, which the Senator from Massachusetts quotes with so much

³⁸⁷ The italics are mine.

admiration, has said a hundred times that 'Mr. Toombs of Georgia, was the man that stood over Mr. Douglas, and forced him to bring it in,' when the Senator from Georgia knows that, up to that time, he had never planted his foot in the Senate, and he did not arrive in the City until after the bill was prepared and introduced.

"**MR. TOOMBS.** That is true.

"**MR. DOUGLAS.** He was not here, and never set eyes on me nor I on him, nor exchanged a word with me, directly or indirectly, until the thing was done, and he came here to engage in fighting the great battle. So it is with these other things. I have failed to notice them before, for the reason that I had such a contempt for this system of making side-issues. Heretofore I have not noticed such charges; but when they are thrust in my face in the Senate, I feel it to be my duty to repel them, on the supposition that they have acquired dignity enough by being repeated here to justify me in noticing them. I am not in the habit of noticing the many misrepresentations and assaults which are made on me. I am willing to trust my character and reputation on the result of the great principles involved, and upon the judgment that shall be pronounced on them when passion shall have passed away, and the sober reason of the country shall have returned.

"**MR. WILSON.** Mr. President, a few words in reply to the Senator from Illinois. He closes his remarks by assuring the Senate that General Atchison never made the declaration attributed to him. That Atchison did make a speech at the town of Atchison, Kansas, in which he claimed in substance to be the author of the proposition for the repeal of the Missouri Compromise, I do not entertain a doubt. *I have conversed with gentlemen whose veracity I cannot question, who heard his speech on that occasion, and these gentlemen assure me that the published accounts of his speech are substantially correct.*³⁸⁷ The Parkville *Luminary*, published at that time in Missouri, stated that Atchison mounted an old wagon and made a speech. [Here follows the substance of the account as quoted above from the *New York Tribune*]. . . . The precise and exact words used in regard to the Senator from Illinois may not be as represented; *but that Atchison claimed that*

*honor, and claims it still, is well known by hundreds and thousands of men in the country.*³⁸⁷

"MR. RUSK (of Texas). Will the Senator allow me to correct him in one declaration?

"MR. WILSON. Yes, Sir, most cheerfully.

"MR. RUSK. The Senator has made a declaration in regard to my colleague, which, in his absence, I desire to correct. He says that Gen. Atchison made a speech, in which he denounced my colleague. That is a mistake. There was a false or erroneous report in a newspaper purporting to be what Gen. Atchison had said, that did reflect on my colleague, and the Senator from Tennessee. General Atchison as soon as he saw the erroneous report of his speech, wrote a letter promptly correcting it, and stating what he did say, in which there was no denunciation of the Senator from Tennessee (Mr. Bell) or of my colleague. I have known Gen. Atchison for a long time, and I am sure he would not state what was not true. He told me that he had made no such charges against them; he had previously sent me a paper containing the correction of the errors in the false report of his speech, made by some one, no doubt, for the purpose of raising mischief. . . ."

Here are two apparently contradictory statements regarding the authorship of the Repeal; but the contradiction is more apparent than real.

Senator Douglas was an adept in all the wiles and arts of the stump speaker, the rough and ready debater, and when he felt himself getting into deep water he did not hesitate to resort to quibbles. It is not impossible or difficult to regard this whole denial as partly a quibble and partly an evasion, and certainly if there was any truth in Atchison's claim to authorship, there was a sufficient motive to induce Douglas to resort to this sort of tactics.

In the first place, it is to be observed that in his

³⁸⁷ The italics are mine.

denial Douglas stigmatizes as a "stale abolition lie-bol" not the entire story rehearsed by Senator Wilson, but merely that portion of the story which refers to Atchison's peremptory demand and allowance of twenty-four hours. It is very improbable that Atchison presented the idea of the Repeal to Douglas in any such imperious and untactful manner. It is totally discordant with what we know of Atchison's tactics as a politician. Douglas's denial in this particular goes merely to the form of Atchison's claim and leaves the substance wholly unchallenged.

In the second place it is not *impossible* to regard Douglas's use of the word "Southern" as a quibble, when he declared that the bill was prepared "before any *Southern* man was consulted." It is safe to say that Missouri was spoken of as a southern, State and her Senators referred to as southern Senators in Congressional debates only when the subject of slavery was under discussion. In all other connections, Missouri was regarded and mentioned as a western State. Atchison himself spoke of the Kansas-Nebraska bill as a "western measure," and as such it was expected that Missouri would profit by it. He even spoke of Missouri as a "Northwestern" State.³⁸⁸ Benton was constantly referring to Missouri as a western State. It may be that Douglas purposely used the word "Southern" with the mental reservation that he would call Missouri a western State. If so, then there was no real denial of Atchison's claim, although the effect of a denial was produced and intended, especially in the minds of free-

³⁸⁸ *Cong. Globe*, xxxi, 301.

soil Senators who probably thought of Missouri more often as a southern than a western State.³⁸⁹

Another trick of the wily debater is to get off from dangerous and on to firm ground as quickly as possible. One cannot fail to be impressed with the quickness with which Douglas passes from all direct reference to the Atchison story, a matter of the most serious importance to him, and therefore, if worth noticing at all, demanding a more complete refutation than he gave it, to a point wholly unconnected with anything that Senator Wilson had said, namely, to the allegation that Senator Toombs of Georgia, who was then present in the Senate, had "dragooned" him into bringing forward this bill. Upon a denial of this interference or intervention, Douglas could take stand and feel the ground firm beneath him, and

³⁸⁹ Furthermore, Douglas may have stated the *literal* truth when he said that the bill was prepared before any Southern man was "consulted." The primary meaning of the word consult is "to apply to for direction or information, ask the advice of." (Standard Dictionary.) Now if Douglas used the word consult consciously in its primary sense, his statement probably was *literally* true, and produced, as he intended it should produce, the effect of a denial of the Atchison story, whereas in fact it may have been no contradiction at all. There is little probability that Douglas did *apply* to Atchison for direction or information or advice before the bill was drafted, but that does not preclude the possibility and probability that Atchison first sought out Douglas and suggested that he introduce the repealing measure.

Similarly, I regard Douglas's declaration of February 23, 1855, that the bill "was written by myself, at my own house, with no man present," as a quibble. (*Cong. Globe*, xxxi, 216.) Stenographers and private secretaries were not common in those days, and Douglas may have done the clerical work himself. Douglas said nothing at that time which directly contradicts the Atchison story. Mrs. Stowe's account of her impressions of Mr. Douglas as a debater, written a few days after the denial of April 14, 1856, is interesting in this connection and tends to support my interpretation of these denials. Mrs. Stowe's impressions appeared in the New York *Independent*, May 1, 1856. Summarized in Rhodes's *Hist. of U. S.*, ii, 128.

at the same time detract attention from the real and most serious claim to authorship of the Repeal.³⁹⁰

³⁹⁰ Before we leave Atchison's direct assertions of authorship, the following may be noted. In an *Illustrated History of Missouri* (St. Louis and Cincinnati, 1876), 466, of which Walter B. Davis and Daniel S. Durrie were the authors, is found the following statement in the course of a brief biographical sketch of Senator Atchison:

"Mr. Atchison became specially prominent in the legislation for the organization of the Territories of Kansas and Nebraska, *and claims to have originated the clause in the bill repealing the Missouri Compromise. . . .*"

In a *History of Kansas* (Lafayette, Ind., 1868) by John N. Holloway is to be found a brief but circumstantial account of the interest felt by the people of western Missouri in the repeal of the Compromise and an account of Atchison's activity in the matter.

APPENDIX F

SELECTED BIBLIOGRAPHY

I. MANUSCRIPT MATERIALS

Very little material for this book has been drawn from manuscript sources. I have made no small effort to discover such material and my efforts have been efficiently supplemented by those of Professor Charles H. Hull of Cornell University. The results of our combined efforts have been almost wholly negative. But even such results are not without some value and perhaps should be summarized here.

I have had access to the Garrison papers in the Boston Public Library, to the Sumner papers in the Library of Harvard University; and to the papers of President Pierce, until recently in the possession of his nephew, Hon. Kirk D. Pierce of Hillsboro, N. H., since transferred to the Library of Congress. Such of the Pierce papers as are of historical value have been printed in the *American Historical Review*. In none of these collections was any material found bearing upon the origin of the Repeal. Access has also been had to the Chase Correspondence in the Library of Congress, since published by the American Historical Association; but very little was found of value in this investigation. The same is true of the papers of Colonel John A. Parker of Virginia.

An extensive correspondence has failed to bring

to light any unpublished papers of Senator Douglas, Senator Bright of Indiana, Senator Hunter of Virginia, Senator Dodge of Iowa, Senator Geyer of Missouri, Colonel Benton, James S. Green of Missouri, and Senator Atchison. Regarding the papers of Senator Atchison, it is stated in *The History of Clinton County, Missouri* (St. Joseph, Mo., 1881) that Senator Atchison's "valuable library and collection of manuscripts" was totally destroyed by the fire, February 2, 1870, which destroyed his residence. "The General in speaking of his loss, seemed less to regret the loss of his spacious mansion than the burning of his extensive library and valuable records of his opinions and observations during the long period of his service in the Senate of the United States." (Pt. ii, 182.)

Mr. William E. Connelley of Topeka, Kansas, an acknowledged authority on early Kansas history, informs me that "Atchison wrote a history of the Repeal of the Missouri Compromise and the Troubles in Kansas. He wrote it after he returned from Texas, where he was during the Civil War. This work, in manuscript, was destroyed by the accidental burning of the residence of General Atchison shortly before his death."

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This pamphlet reflects the views of a northern anti-slavery clergyman, residing in Missouri, concerning the economic and political conditions of Missouri as affected by the institution of slavery. The letters were published anonymously, but the copy in the Harvard University Library contains a manuscript letter revealing the identity of the author and relating some interesting facts about the indignation which the appearance of these letters caused in Missouri.

VIII. MISCELLANEOUS BOOKS

BENTON, THOMAS H. *Thirty Years' View, 1820-1850.* 2 vols. New York, 1854-56.

Benton's attack upon Calhoun over the Texas annexation question is to be found here, but one looks in vain for anything bearing upon his retirement from the Senate or struggle for restoration. On the whole it is of very slight value.

CUTTS, JAMES M. *A Brief Treatise upon Constitutional and Party Questions and the History of Political Parties.* New York, 1866.

Of almost no value.

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Far from being a "true" history of the Repeal, it is incomplete, biased and in other respects unreliable. Of interest mainly for the part taken by Senator Dixon in the Repeal.

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Comments briefly upon Missouri politics, 1849-54.

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The writer, who was the private secretary of President Pierce, contends that the Repeal was wholly legislative in its origin, and endeavors to free the Executive from responsibility.

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